

Public Comment for:

Historic Resource Ordinance

Received by 5.26.2020

(PLN2020-00068)

Name of Sender
1. Susan Chamberlin
2. Patricia Saley
3. Richard Closson
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5. Robert Ooley
6. Fermina Murray
7. Allied Neighborhoods Association
8. Francesca Galt
9. Paulina Conn
10. Patricia Saley
11. Richard Closson
12. Fred Sweeney
13. Dennis Doordan
14. Kathleen Weinheimer
15. Pearl Chase Society
16. Ed Lenvik
17. Michael Imwalle

Public Comment #1

From: [Susan Chamberlin](#)
To: [Susan Chamberlin](#)
Subject: Historic Resources Ordinance--proposed amendments
Date: Tuesday, May 19, 2020 5:29:14 PM

EXTERNAL

Dear All~

It appears that there is no “landscape” or “cultural landscape” in the Draft of the proposed amendments to the Historic Resources Ordinance.

In 1992 (codified in 1995)) the Secretary of the Interior’s Standards for the Treatment of Historic Properties were revised **“so they could be applied to all historic resource types included in the National Register of Historic Places—buildings, structures, sites, objects, districts, and landscapes.”**

Guidelines for the Treatment of Cultural Landscapes are found in Preservation Briefs 36 and online. The definition of “landscapes” is found on the National Register website.

The proposed amendments to the historic resources ordinance need to include these concepts, terms, & definition.

~Susan Chamberlin

Sent from [Mail](#) for Windows 10

Public Comment # 2

From: [Patricia Saley](#)
To: [Nicole Hernandez](#)
Cc: [Pat Willsher Saley](#)
Subject: Draft HRO
Date: Tuesday, May 5, 2020 2:02:53 PM

EXTERNAL

Hi Nicole - I'll bet you're relieved that the draft HRO is finally out for review! I have only skimmed it but it seems pretty good to me. I plan to dive into the details but have 2 questions for you right now:

1. I am still unclear as to the review process. Is the 4 weeks intended for those who are interested to digest the draft & start compiling comments, which would then be presented to HLC (& Ordinance Comm & Council) at noticed public hearings?
2. I'm rusty on this stuff but what I recall was that Landmarks & Structures of Merit were designated per findings & process in the old ordinance & specifically listed in a resolution. At least relating to historic districts, it appears (Section 30.157.089) that new districts would be established by ordinance meaning that the ordinance would need to be amended to add a district. Again, I've only perused the draft, but I didn't see any reference to a resolution that would list all Landmarks & presumably another resolution that lists all Structures of Merit.

Can you clarify these two things for me? Thanks & stay healthy!

Pat

Patricia Saley
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Santa Barbara CA 93101
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Public Comment #3

From: [Richard Closson](#)
To: [Nicole Hernandez](#)
Subject: What a HUGE job!
Date: Thursday, May 7, 2020 12:58:48 PM

EXTERNAL

Hi Nicole,

Your Draft HRO Amendments is truly a major opus. You and Greg and the others involved will have created a document for the ages. (Well, that may be a bit much, but it is a huge accomplishment.) Bravo! I know only a tiny fraction of the work because I've gone over it with an eye to flow and formatting.

As you can expect, there are at least several - maybe many - groups and individuals reviewing the document and preparing comments for improvement. As part of that effort, I was tasked with converting the PDF Draft document to a format into which we could insert our individual comments.

Yours has been a huge effort and many eyes will be looking at it. As is appropriate, most will critique the important content. The groups I'm involved with will get to that. What I'm familiar with now, is the format of each section and paragraph. You have done a terrific job morphing the old into the proposed. It is entirely understandable that minor format errors creep in. They're not important in the grand scheme, but you might be interested to see what I found. I mean this in the most constructive way possible. This is not criticism, it is contribution.

I looked at the PDF Draft document and used the early formatting as a basis for what should follow. Because the document is in outline format, I assumed each outline item was intended to match the format of other items in its same level. Extra paragraph return between sections.

Section Number (bold) 30.157.xxx (tab) Title

Capital Letter (tab) **title (bold)**. Hanging indent flush with tab

Numeral (tab) first word (sometimes ***italic-bold***). Hanging indent flush with tab

Lower case letter (tab) first word (sometimes *italic*). Hanging indent flush with tab

Small Roman numeral (tab). Hanging indent flush with tab

Here are some humble mentions where those formatting conventions are not followed (listed in order of appearance).

30.157.010 A - hanging indent flush with tab

30.157.010 C - hanging indent flush with tab

30.157.020 K - the "K" not bolded

30.157.020 CC - the "CC" not bolded

30.157.030 - need paragraph return before

30.157.030 A - hanging indent flush with tab

30.157.030 A.6-7 - hanging indent flush with tab

30.157.030 B-D - hanging indent flush with tab

30.157.045 - tab between section number and title

30.157.050 - need paragraph return before

30.157.060 - need paragraph return before

30.157.060 C.3 - is mis-number as a duplicate 2
30.157.065 - hanging indent flush with tab
30.157.085 - need paragraph return before
30.157.087 - need paragraph return before
30.157.088 E - remove extra paragraph return before
30.157.089 B - hanging indent flush with tab
30.157.089 C.2.b - need paragraph return to separate last paragraph per format
30.157.089 D - remove extra paragraph return before
30.157.089 E - remove extra paragraph return before
30.157.098 - need paragraph return before
30.157.100 - need paragraph return before
30.157.100 A - title should be bold but not italic
30.157.145 A-B - hanging indent flush with tab
30.157.145 C.1.a-c - hanging indent flush with tab
30.157.145 C.2.a-c - hanging indent flush with tab
30.157.145 C.3.a - hanging indent flush with tab
30.157.145 C.3.a.i-ix - hanging indent flush with tab
30.157.145 C.3.b-e - hanging indent flush with tab
All subsequent sections need hanging indents flush with their tabs.

I hope you don't think this is too granular or picky. It is, but in the most supportive way. I want this to look as good as the content.

Rick

Public Comment #4

From: [Richard Closson](#)
To: [Nicole Hernandez](#)
Subject: HRO Amendment Comments, Part 2
Date: Thursday, May 14, 2020 11:58:54 AM
Attachments: [HRO Amendments, Less Pertinent.pdf](#)
[ATT00001.htm](#)

EXTERNAL

Hi Nicole,

I don't have any formal expertise relative to architecture and usually chime in on other matters. That's why I sent my earlier email on formatting. Attached is another document with my concerns on a higher level. They mostly still don't address the professional issues of content. There are other groups better able to do that; I'm fortunate to be working with a couple of them and they will prepare and submit comments on content at/before the public hearing.

Rick

—

Why I wear a mask:

If I don't have Covid, I don't want to get it.

If I do have it, I don't want to give it.

Simple.

Proposed HRO Amendments
Less-than Pertinent Content, Wednesday, May 14, 2020
Richard Closson

Hi Nicole, you've got my prior email with the shopping list of ticky-tack. I think these are bigger. Pardon any duplicates. I believe these need your attention, but may not require public discussion. Admittedly, some may come up in public discussion as broader issues.

General Comments

Overall, I like the document, particularly the enforcement and penalties. But I feel it could be more citizen-friendly to encourage public understanding. As an example (I note specific instances below), where processes are identical or extremely similar between LMK, SOMs, etc., I think the wordings of those sections should be appropriately identical or similar. There are instances where identical processes have been written independently (and differently), which disguises their true similarities. Second, because this is to be a zoning ordinance and other sections within Title 30 are replete with tables, I believe an essential table (or matrix) would show the areas where definitions concur and differ. Below is a brief example.

Criterion/ Resource	Proposed by Commission, owner, any interested person	HLC recommend requires City Council ratification	Exterior modifications, etc., require HLC review
Landmark (LMK)	X	X	X
Structure of Merit (SOM)	X		X
Historic Resource Inventory (HR)	X (also professional survey or permit application)		X (if 50 yrs old)
Historic District (HD)	X	X	X (if contributing structure)

Third, some sort of public Handbook could be published with a simplified flowchart of the approval processes to improve public understanding. Such a Handbook might be the proper place for a comparison table, also.

Specific Comments

<u>Chapter 30.157</u>	<u>Description</u>
.010.B	Intent. Should we expect that every part of the HRO can be related back to one of the 10 intents listed?
.020.E	Archeological. A typical dictionary definition is more inclusive. Is this definition restrictive? Others will offer substantial comments on this topic
.020.AA	Landmark Tree. Throughout the document you refer to 15.24 as a “Chapter,” not a “Section” as here (which would be appropriate for Section 15.24.xxx)
.030.A	Regarding relocation, the document doesn’t seem to address the fate of a relocated structure as defined. You will receive other comment on this but mine is, “if relocation of (for a stark example) an Art Deco contributing resource in a Historic District puts it into a non-Deco district, does it lose its significance or designation?”
.036.A.1	Administrative Evaluation. The sentence beginning “As part of this evaluation,” is not complete. It seems the tail end is missing, probably a failure of cut & paste. I suggest the missing part is found in the parallel SOM section (§ 30.157.045.A.1) and should be, “... Landmark is located, the City shall provide notice of the proposed Landmark by first class mail to the applicant, to the owner or owners of the property, and to the owners of directly abutting properties, as listed on the County of

Santa Barbara's most recent property ownership assessment roll."

.036.A.2.a

Noticing only the abutting structure owners seems limited, especially if the designation might bring greater public attention or traffic, etc., to the neighborhood. A wider circle of notice might be worth considering. Same comment for § 30.157.036.B.2, noticing Council public hearing.

.036.B.4

City Council Resolution. Doesn't mention the fate of a denied designation. If the LMK or SOM owner appeals the designation to Council and wins, where does that leave the structure? Back in the Historic Resource Inventory? A later Section – § 30.157.060.C – addresses removal from HRI. Does this cover reversal of LMK or SOM designations?

.040.B

Relocation. Does HLC need to find all the conditions (1–4) or just any of them to justify the relocation? Whether "any" or "all" might be clarified here.

.040.E

Second paragraph. "No new evidence, either oral or written, shall be allowed absent compelling exigent circumstances." Does this wording suggest no new public comment will be allowed? It also seems to contradict SBMC § 1.30.050.C. **Appeals from Administrative Decisions**, which says, "... shall hear and receive any relevant information and documents, which may include such hearsay or other evidence..." This section would seem not to disallow new information. My comment applies also to the parallel ordinance for SOM Appeal to City Council § 30.157.050.E. Am I

misreading § 1.30.050.C or its application here?

- .045.A.1 **Administrative Evaluation.** Mentions a “Designation Report.” Is this undefined term the same as a “Significance Report”? To keep both, Designation Report should be included in the Definitions § 30.157.020. As an aside, “Significance Report” is the predominant term in the ordinance and probably should be included in the definitions with reference to V. Historic Resource Significance Report.
- .060.B.1 States there are two ways properties get included in HRI. There actually are three ways listed, a, b, c.
- .060.B.1.b **Administrative Listing.** Talks about listing a property as a result of the owner applying for a building permit. It doesn’t address if a positive Significance (or Designation, you choose) Report (and HRI listing) impacts the owner’s permit process in any way. If the Significance Report were to suggest eligibility for LMK or SOM status, wouldn’t that affect the permit timeline and process?
- .060.C.2.a Might include “...that the building or other historic resource is not ...”
- .085.B **Notice of Commission Public Hearing.** The word “Commission” is not part of the titles in the LMK (§ 30.157.036.A.2) or SOM (§ 30.157.045.A.2) sections. Could be made consistent.
- Overall, the wording on this section could mimic the wordings for hearings of LMK and SOM – where appropriate – for consistency.

- .085.C-G Related to Council designation of Historic Districts. Because LMK (§ 30.157.036.B) and HD designations both require Council ratification, the sections describing the Council public hearing and appeal processes should be as similar as possible if the actual processes are similar. Currently they are not.
- .088 **Exterior Alterations ... Historic District.** All the items in this section are very similar to SOM, particularly with regard to “contributing structures.” Does that suggest that contributing structures should/must be SOM designated or eligible? If “yes,” should some number or threshold of SOMs be part of the HD description, perhaps in § 30.157.080.A.5?
- .089.C.1 **Purpose.** There’s a run-on sentence that needs a period: “... historic resources as provided in this Chapter(. T)hat purpose is ...”
- .089.C.3.a.i-viii The style examples for EPV probably should have street addresses listed as done in subsequent sections § 30.157.089.D.3.a-d and § 30.157.089.E.3.a-d.
- .089.E.2 and F.2 **Description.** Will there be a more formal recorded description for Riviera Campus HD and El Encanto Hotel HD like for EPV (§ 30.157.089.C.2.a-b) and Brinkerhoff (§ 30.157.089.D.2)?
- .100.A.6 This mentions “small nonresidential additions as defined in Section 30.295.020.” I checked there and it seems to deal with Residential Use Classifications. I couldn’t find mention of small nonresidential additions, unless you mean the

Home Occupation or Live-Work Unit, sections F & G.

- .130.B This is a curious section. I can understand a significant archeological site being withheld from public discussion to prevent looting, but cannot imagine another reasonable situation. Could the Council deem demolition of Franceschi House “not in the public interest” and approve it without public discussion?
- .137 **Review of Outdoor Sales and Display.** The cited MC is § 30.295.040.V. I believe the correct section is .040.W.
- .140.B Project Compatibility Considerations. Is it restrictive to specify only the six current “Project Compatibility Considerations” in the HLC Guidelines? Could this not specify six and leave flexibility for additions?
- .145.C.4.f For Mills Act applicants, it seems all recently have first requested SOM designation, which has required a Significance Report. Does this subsection refer to a type of significance report by the Architectural Historian without naming it that? Should it?
- .170.B First sentence, insert “Historic Resources” between “...listed on the City’s...” and “...Inventory or...”

Public Comment #5

From: [Robert Ooley](#)
To: [Nicole Hernandez](#); [Pilar Plummer](#); [Tava Ostrenger](#)
Subject: proposed edits to Historic Resources Ordinance...
Date: Sunday, May 3, 2020 3:17:21 PM
Attachments: [image001.jpg](#)
[HISTORIC RESOURCES ORDINANCE-Ooley Edits.docx](#)

EXTERNAL

Greetings and Happy Sunday...

Strick while the iron is hot as they say in the cowboy business.

The attached file contains by proposed edits to the Ordinance...don't be too shocked.

First, I think there should be a section that deals with Historic Resources. There is repeating provisions in multiple sections. I think it would be cleaner and more elegant if the repeating sections were put into a single section. Since Historic Resources have been defined and the term is used throughout the Chapter...doing so makes sense.

Second, I restructured the Definitions section to match the formatting of SBMC 28.04 and 30.300

Third, the remaining proposed edits are meant to focus or clarify....

I look forward to hearing this matter at a future HLC Hearing...

Kindly,

Robert



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CHAPTER 30.157
HISTORIC RESOURCES

30.157.010 Historic Landmarks Commission.

A. Purpose. The purpose of this Chapter is to implement the City Charter by protecting and preserving historic resources. This Chapter also implements the powers and duties of the Historic Landmarks Commission (“Commission”) as prescribed in the municipal code. This Chapter specifies the procedures and criteria the City will use to regulate the designation, preservation, alteration, or demolition of historic resources.

B. Intent. The City’s intent for protection of historic resources and this Chapter are:

1. To safeguard the heritage of the City by protecting Landmarks representing significant elements of history;
2. To protect and enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural and landscaping traditions to ensure they are integrated into their specific cultural landscape environs;
3. To foster public appreciation of, and civic pride in, the beauty of the City and the accomplishments of its cultural past;
4. To strengthen the economy and vitality of the City by protecting and enhancing the City’s attractions to residents and visitors;
5. To promote the private and public use of Landmarks, Structures of Merit, and Historic Districts for the education, prosperity, and general welfare of the people;
6. To stabilize and improve property values within the City;
7. To undertake the identification, inventory, and consideration of structures, sites, and features that may merit designation as a City Historic Resource in accordance with the Historic Resource criteria established by California Public Resources Code Section 5024.1, as it is presently enacted or hereinafter amended;
8. To promote high standards in architectural and landscape design and the construction of aesthetically pleasing structures;
9. To promote neighborhood compatibility; and
10. To ensure that the review process is fair and consistent both in policy and implementation to allow all who are involved to participate in the process.

C. Commission Chair and Officers Quorum. The members of the Historic Landmarks Commission shall elect from their own members a Chair and Vice-Chair. The Community Development Director shall act as Secretary and record Commission actions and render written reports thereof for the Commission as required by this Chapter. The Commission shall adopt its own rules of procedure. Five (5) members shall constitute a quorum, one (1) of which shall be an architect licensed by the State of California.

30.157.020 Definitions

The words and phrases used in this Chapter are defined as provided in this Section and are incorporated into this Chapter by reference. If a word or phrase is not defined in this Section but is defined in Santa Barbara Municipal Code Chapter 28.04 or Chapter 30.300, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.04 or Chapter 30.300.

30.157.020 "A"

A. Adobe. An unburnt, sun-dried, clay brick; or a building made of adobe bricks.

B. Adjacent. See *Abutting*, as defined in Section 30.300.010.

C. Advisory Member. An Honorary Member of the Commission of the City Of Santa Barbara appointed under the provisions of the City Charter.

D. Alteration. An exterior change or modification. For the purposes of this Chapter, an alteration shall include, but is not limited to: exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color or surface texture; grading; surface paving; new structures or structural additions; cutting or removal of trees and other natural features; disturbance of archeological sites or areas; or the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the exterior visual qualities of the property.

1. Major Alteration. Visual changes or additions to features and elevations of a building that do not return the elevation to its original appearance, additions to structures, sites or features over 500 square feet, over one story and visible from the public right-of-way, relocation and demolition of structures, sites or features.

2. Minor Alterations. In-kind repair/replacement that match the existing in size, profile, exposure, detail, relief, and dimension or restoration projects that return elements of a

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historic resource to its original condition or color changes appropriate for the style of the building.

E. Archeological. The scientific study of the life and culture of earlier peoples by excavation of sites and relics.

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Architectural. The science, art, or profession of designing and constructing buildings.

Architectural Historian. City staff member, ~~locally referred to as Urban Historian~~, or consultant, who has the qualifications defined by the Secretary of the Interior in education and experience required to perform the identification, evaluation, registration, and treatment of ~~historic~~ Historic resources Resources.

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30.157.020 "C"

F. California Register Of Historic Resources. The register of buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

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G. CEQA. The "California Environmental Quality Act" as codified in California Public Resources Code Section 21000, *et seq.* and the approved CEQA Guidelines as established in the California Code of Regulations, Title 14, Chapter 3, Section 15000, *et seq.*

Certificate Of Appropriateness. The administrative approval document issued by the City's Architectural Historian to approve a minor alteration to a Historic Resource.

Character Defining Element(s). Elements include overall shape of the building, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environs.

H. Commission. The Historic Landmarks Commission.

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I. Commission Guidelines. The most recent revision of the "Historic Landmarks Commission (HLC) Guidelines & Meeting Procedures" adopted by City Council.

J. Community Development Director. The Community Development Director of the City of Santa Barbara or its designee.

K. Contributing Resource. A structure, site, or feature within the boundaries of a Historic or Landmark District which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities, archeological features, or historic integrity, and is considered a historic resource.

L. County Assessor. The Tax Assessor of the County of Santa Barbara.

Cultural. The concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

30.157.020 “D”

~~M.~~ Demolition. The permanent removal ~~from of~~ a structure ~~of either or~~ a significant component or a character defining element, as may be determined by the Commission or where ~~appropriate, by the Community Development Director. Demolition shall include, but is not limited to, the act of pulling down, destroying, removing, relocating, or razing an Historic Resource or commencing the work thereof with the intent of completing the same~~

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30.157.020 “E”

Elevation. The flat scale orthographic~~ally~~ projected architectural drawings of all exterior vertical ~~surfaces elements~~ of a building facade.

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30.157.020 “F”

Façade. The front of a building or that part of the building facing onto a public right-of- way, street, alley, or courtyard ~~which may allow for ingress and egress into the building.~~

30.157.020 “H”

~~N.~~ Historic District. A geographically definable area in the City possessing a significant concentration, linkage, or continuity of structures, sites or features united by past events or aesthetically by plan or physical development. Historic Districts consist of contributing and non-contributing properties, thematically linked by architectural style or designer, date of development, distinctive urban plan, and/or historic associations. A Historic District derives its importance from being a unified entity, which conveys a visual sense of the overall historic environment.

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~~O.~~ Historic Resource. Any property eligible to be designated historically significant based on the criteria in this Chapter or as defined in the CEQA Guidelines 15064.5 (a). A City-designated Landmark or Structure of Merit; a State or National Historic Landmark listed ~~on in~~ the State Register of Historic Resources or National Register of Historic Resources; a City-designated

Historic District; or State or National Register Historic District; any resource listed ~~on in~~ the Historic Resources Inventory ~~of the City; or any property eligible to be designated historically significant based on the criteria in this Chapter as defined in the CEQA Guidelines 15064.5 (a).~~

P. Historic Resource Significance Report (Significance Report). A written evaluation of a nominated structure, site, or feature to the criteria for designation as either a Landmark, Structure of Merit, Historic District, or contributing resource to a Landmarks or Historic District as outlined in this Chapter. The Significance Report shall include a map of the property or properties and the proposed boundaries of the historic resource.

Q. Historic Resource Survey. A field investigation, archival research, and documentation of structures, sites, or features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying Historic Resources.

Historic Resources Inventory. A list consisting of those structures, sites, or features identified by the Commission or City's Architectural Historian as historically significant and eligible for formal designation as a City Landmark, Structure of Merit, Historic District, or contributing historic resource to a Historic District (formerly referred to as "Potential Historic Resources List").

30.157.020 "L"

R. Landmark. A structure, site, or ~~feature-object~~ having historic architectural, archeological, cultural, or aesthetic significance and designated by City Council as a Landmark under the provisions in this Chapter.

S. Landmark District. See *Historic District*.

AA. Landmark Tree. See definition of *Historic Tree* SBMC Section 15.24.

30.157.020 "M"

BB. Member. A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provision in the City Charter.

30.157.020 "N"

CC. National Register Of Historic Places. The official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and

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culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Preservation Act of 1966 (16 U.S.C. Section 470, *et sec.* and 36 C.F.R. Sections 60 & 63).

~~DD~~. **Neighborhood.** An area of the City of Santa Barbara designated as such in the City's General Plan.

Nomination. The preparation of documentation by a qualified historian or architectural historian, setting forth certain facts to support the designation of an Historic Resource as a Structure of Merit, Historic Landmark, or place of interest.

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~~EE~~. **Non-Contributing Resource.** A structure, site, or feature within the boundaries of a Historic District that does not qualify as a historic resource, but which has been included within the Historic District boundaries because of its geographic location within the Historic District.

30.157.020 "O"

~~FF~~. **Owner.** A person, association, partnership, firm, corporation, or public entity appearing as the holder of legal title to any property on the ~~last-current equalized~~ assessment roll of the Santa Barbara County Assessor.

30.157.020 "P"

~~GG~~. **Project Design Approval.** The review and approval of an application on its merits where the application has been filed with ~~the Commission~~ Design Review Body and where the minutes of ~~the Commission that Body (or the Architectural Board of Review or Single Family Design Board, as appropriate)~~ designate the approval as "Project Design Approval." For the purposes of the California Permit Streamlining Act (Government Code Section 65950, *et seq.*), Project Design Approval is the substantive approval of the project on its design merits.

30.157.020 "S"

Sandstone Construction. ~~A sedimentary rock usually consisting of quartz sand particles united by some bonding agent (such as silica or calcium carbonate). The rock is then hued into building materials by a skilled mason or carver and incorporating traditional ashlar stone masonry used to support or provide a finish to buildings, bridges, garden walls, street curbs or similar applications. Any and all construction including, but not limited to, curbs, walls, bridges, gardens, buildings, or hitching posts that took place. Many examples of this method of construction can be found in the City, between 1870 through 1940 utilizing local sandstone material quarried in Mission Canyon area, of the City and incorporating traditional ashlar stone masonry.~~

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~~II.~~ **Secretary Of The Interior's Standards.** The most ~~recent revision~~current version to the "Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Restructuring Historic Buildings" published by the U.S. Department of the Interior.

~~II.~~ **Site Plan.** A flat scale architectural or engineering drawing of ~~the place where something is, is to be, or was located,~~all horizontal feature of a property that include, structures, landscaping, streets, easements, utilities, and other similar features.

~~KK.~~ **Structure.** See *Section 30.300.190.*

~~LL.~~ **Structure Of Merit.** An ~~historic~~Historic resource~~Resource~~ designated by the ~~Commission~~City that does not ~~rise to the level of importance to the community to~~ qualify as Landmark, ~~status~~ but ~~that~~ deserves official recognition as having historic, architectural, archeological, cultural, or aesthetic significance.

30.157.030 Jurisdiction

It is unlawful to undertake any of the following actions without first seeking and obtaining review and approval of the action or actions by the Commission:

A. An alteration, relocation, or demolition to a structure, site, or feature developed with or containing any of the following:

- ~~1. A Landmark;~~
- ~~2. A Structure of Merit;~~
- ~~3. A property within El Pueblo Viejo Landmark District (EPV);~~
- ~~4. A Contributing Resource in a Historic District;~~
- ~~5. A property listed on the City's Historic Resources Inventory;~~
1. An Historic Resource

~~6-2.~~ 2. An un-surveyed property over fifty (50) years old not currently identified as a historic resource, that must be evaluated for historic significance for the purposes of CEQA as part of a discretionary review project and identified by the Commission, the Commission's Architectural Historian, or the City's Architectural Historian as a potential historic resource; or

~~7-3.~~ 3. Any property listed or determined eligible for listing, ~~on~~in the National Register of Historic Places, California Register of Historic Resources, or California Historic Resources Inventory.

B. An alteration, relocation, or demolition of a structure, site or feature, located on a parcel or within El Pueblo Viejo Landmark District.

- C. An alteration, relocation, or demolition of a structure, site or feature, located on a parcel or lot within a Historic District.
- D. An alteration, relocation, or demolition of a structure, site or feature, located on a parcel or lot that is: (i) listed in the National Register of Historic Places at the statewide or federal level of significance; or (ii) listed or eligible to be listed in the California Register of Historic Resource.

30.157.040 ~~Criteria for Designation of Landmarks and Structures of Merit~~Historic Resources

In considering a proposal to recommend to the City Council any structure, site or feature for designation as an ~~Landmark, Structure of Merit~~Historic Resource, or for inclusion ~~on~~in the Historic Resources Inventory, the Commission must find the property retains enough historic integrity of location, design, setting, materials, workmanship, feeling, and association that it conveys its historic significance in accordance with the most recent National Register of Historic Places Bulletin *How to Apply the National Register Criteria for Evaluation*.

A. Criteria for Designation

In making a recommendation, the Commission shall utilize any or all of the following criteria and considerations in evaluation of a nomination:

- ~~A.1.~~ 1. Its character, interest, or value as a significant part of the heritage of the City, State, or Nation;
- ~~B.2.~~ 2. Its location as a site of a significant historic event;
- ~~C.3.~~ 3. Its identification with a person or persons who significantly contributed to the culture and development of the City, State, or Nation;
- ~~D.4.~~ 4. Its ~~exemplification~~exemplar of a particular architectural style or way of life important to the City, State, or Nation;
- ~~E.5.~~ 5. Its ~~exemplification~~exemplar of the best remaining architectural type in a neighborhood;
- ~~F.6.~~ 6. Its identification as the creation, design, or work of a person or persons whose effort has significantly influenced the heritage of the City, State, or Nation;
- ~~G.7.~~ 7. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials, or craftsmanship;

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~~H.8.~~ Its relationship to any other ~~Landmark Historic Resource~~ if its preservation is essential to the integrity of that ~~Landmark Historic Resource~~;

~~I.9.~~ Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

~~J.10.~~ Its potential of yielding significant information of archaeological interest; and

~~K.11.~~ Its integrity as a natural environment that strongly contributes to the wellbeing of the people of the City, State, or Nation.

B. Repair and Maintenance of a Historic Resources

Historic Resources shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary repair and maintenance of a Historic Resource as long as such ordinary repair or maintenance does not change the contributing features of the Historic Resource as determined by the City Architectural Historian or Commission as may be appropriate.

C. Exterior Alteration, Relocation, or Demolition of a Historic Resource

The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a Historic Resource unless it has first made the applicable findings and determinations specified by this Section, after taking into consideration any mitigation measures or other conditions of approval.

1. Major Exterior Alterations. It shall be unlawful to alter a Historic Resource on the exterior unless the Commission has made the following findings:

a. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Historic Resource to its original appearance or will substantially aid in the preservation or enhancement of the Landmark; and

b. The alterations are consistent with the Secretary of the Interior's Standards.

2. Relocation. It shall be unlawful to relocate a Historic Resource unless the Commission has made the following findings:

a. The relocation does not constitute a "demolition" as defined by this Chapter;

b. The relocation does not require alterations of the Historic Resource that would be incompatible with the goal of long-term preservation or enhancement of the Historic Resource as an historic resource;

- c. The relocation will substantially aid its long-term preservation; and
- d. The relocation is consistent with the Secretary of the Interior's Standards.

3. Demolition. It shall be unlawful to demolish a Historic Resource unless the Commission has made the following finding:

- a. **Damage.** The Historic Resource has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible as supported by substantial evidence provided by an historic preservation qualified licensed structural engineer or architect, sufficient to support a finding of overriding considerations pursuant to CEQA; The Commission may as conditions of approval of a demolition, require that the property owner salvage historic materials from the property or provide archival-quality photographic documentation of the property or produce architectural drawings conforming to the Historic American Building Survey Standard and submitted such to the City.

4. Minor Exterior Alterations. It shall be unlawful to alter a Historic Resource on the exterior unless the City Architectural Historian has made the following findings:

- 1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Historic Resource to its original appearance; and
- 2. The alterations are consistent with the Secretary of the Interior's Standards.

Minor exterior alterations to a Historic Resource may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in its opinion the alteration has the potential to have an adverse effect on the integrity of the Historic Resource or the parcel of real property on which the Historic Resource is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action. The City Architectural Historian shall submit a regular "Certificate of Appropriateness" report to the Commission each quarter.

D. Appeal to City Council. A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of SBMC Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the

applicable requirements and provisions of the California Environmental Quality Act. The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.

30.157.050 Procedure for Designating a Landmark

Any structure, site or feature (hereinafter referred to as the "~~property~~**Landmark**") having potential historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Commission for recommendation to City Council for designation as a Landmark by: the Commission's own initiative; a property owner of a parcel of real property on which the proposed Landmark is located; or an interested person or entity.

A. **Commission Recommendation To City Council.** The procedure for the Commission to make a recommendation to the City Council regarding a proposed Landmark designation is as follows:

1. ***Administrative Evaluation.*** The City's Architectural Historian shall evaluate the proposed Landmark and prepare a Significance Report for ~~presentation consideration by~~ the Commission pursuant to the criteria of this Chapter. As part of this evaluation, and in those cases where such designation is sought by the Commission on its own initiative or by an applicant who is not the property owner of a parcel of real property upon which the proposed Landmark is located. Within ninety (90) calendar days ~~Upon~~ completion of the Designation Report, a public hearing to consider the ~~City Architectural Historian's recommendation~~nomination shall be scheduled for consideration before the Commission ~~within ninety (90) calendar days~~.
2. ***Notice of Public Hearing.*** Prior to the Commission's public hearing on the proposed designation, public notice shall be given as follows:
 - a. At least sixty (60) calendar days prior to the date of the hearing, notice of the proposed Landmark designation shall be provided by first class mail to the applicant, to the owner or owners of the property, and to the owners of

directly abutting properties, as listed on the County of Santa Barbara's most recent property ownership assessment roll.

- b. At least ten (10) calendar days prior to the date of the hearing, notice of time, place, and purpose of the hearing shall be given by publication at least once in a newspaper of general circulation within the City.

3. **Commission Public Hearing.** The proposed Landmark designation shall require a public hearing pursuant to Santa Barbara Municipal Code (SBMC) Section 30.205.080. Upon completion of the public hearing, the Commission ~~shall~~ may adopt a resolution, pursuant to the criteria of Section 30.157.035, to either recommend the designation or deny the designation of the property as a Landmark to City Council.

4. **Appeal of Denial of Landmark Designation.** An appeal of a decision rendered by the Commission under Subsection (3) of this Section may be filed pursuant to Section 30.157.150.

- B. **City Council Designation.** The City Council may designate a property as a Landmark by adopting a resolution of designation in accordance with the following procedures:

1. **Receipt by City Clerk.** Upon receipt of a recommendation for designation from the Commission, or an appeal of a denial by the Commission pursuant to Section 30.157.150, the City Clerk shall schedule a hearing for the City Council to consider the proposed Landmark designation.
2. **Notice of Public Hearing.** Notice of the time, place, and purpose of the hearing shall be given a least ten (10) calendar days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to the owner or owners of the property and to the owners of directly abutting properties, as listed on the last equalized assessment roll for the County of Santa Barbara.
3. **City Council Public Hearing.** A public hearing to consider the proposed Landmark designation or appeal of a denial by the Commission shall be held in accordance with Santa Barbara Municipal Code Chapter 30.205.
4. **City Council Resolution.** Upon the City Council's adoption of a resolution of designation as a Landmark, the City Clerk shall record the resolution against the property in the Office of the Recorder of the County of Santa Barbara within sixty

(60) calendar days of the City Council's action.

Repair and Maintenance of a Landmark

~~Landmarks shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary repair and maintenance of a Landmark.~~

Exterior Alteration, Relocation, or Demolition of a Landmark

~~The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a Landmark unless it has first made the applicable findings and determinations specified by this Section, after taking into consideration any mitigation measures or other conditions of approval.~~

~~Major Exterior Alterations. It shall be unlawful to alter a Landmark on the exterior unless the Commission has made the following findings:~~

~~The exterior alterations are being made primarily for, and will substantially advance, restoration of the Landmark to its original appearance or will substantially aid in the preservation or enhancement of the Landmark; and~~

~~The alterations are consistent with the Secretary of the Interior's Standards.~~

~~Relocation. It shall be unlawful to relocate a Landmark unless the Commission has made the following findings:~~

~~The relocation does not constitute a "demolition" as defined by this Chapter;~~

~~The relocation does not require alterations of the Landmark that would be incompatible with the goal of long term preservation or enhancement of the Landmark as an historic resource;~~

~~The relocation will substantially aid its long term preservation; and~~

~~The relocation is consistent with the Secretary of the Interior's Standards.~~

~~Demolition. It shall be unlawful to demolish a Landmark unless the Commission has made the following finding:~~

~~1. Damage. The Landmark has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible as supported by substantial evidence provided by at least one qualified structural engineer or architect (qualified in historic preservation) sufficient to warrant a finding of overriding considerations pursuant to CEQA; The Commission may require, as conditions of approval of a demolition, that the property owner salvage historic materials from the property and /or provide archival quality photo documentation of the property and /or architectural drawings to the City.~~

~~Minor Exterior Alterations. It shall be unlawful to alter a Landmark on the exterior unless the City Architectural Historian has made the following findings:~~

~~The exterior alterations are being made primarily for, and will substantially advance, restoration of the Landmark to its original appearance; and~~

~~The alterations are consistent with the Secretary of the Interior's Standards.~~

~~Minor exterior alterations to a Landmark may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the Landmark~~

~~or the parcel of real property on which the Landmark is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.~~

~~Appeal to City Council. A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.~~

~~The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.~~

30.157.055 Procedure for Designating a Structure of Merit.

Any property having historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Commission for designation as a Structure of Merit by: the Commission's own initiative; a property owner of a parcel of real property on which the potential Structure of Merit is located; or an interested person or entity.

A. Commission Designation. The procedure for designation of any Structure of Merit is as follows:

1. **Administrative Evaluation.** The City's Architectural Historian shall evaluate the proposed Structure of Merit application per the criteria of this Chapter and prepare a "Designation Report" for presentation to the Commission. In those cases where such designation is sought by the Commission on its own initiative or by an applicant who is not the property owner of a parcel of real property upon which the proposed Structure of Merit is located, the City shall provide notice of the proposed Structure of Merit by first class mail to the applicant, to the owner or owners of the property, and to the owners of directly abutting properties, as listed on the County of Santa Barbara's most recent property ownership assessment roll. Upon completion of the Designation Report, a public hearing to consider the City Architectural Historian's recommendation shall be scheduled before the Commission within ninety (90) calendar days.
2. **Notice of Public Hearing.** Prior to the Commission's public hearing on the proposed designation, notice of the time, place, and purpose of the hearing shall be given at least sixty (60) calendar days prior to the date of the hearing, by first class mail to the applicant, to the owner or owners of the property as the ownership of

such property is listed on the last equalized assessment roll of the County of Santa Barbara.

3. **3. Commission Public Hearing.** The proposed Structure of Merit designation shall require a public hearing pursuant to Santa Barbara Municipal Code Section 30.205.080. Upon completion of the public hearing, the Commission ~~shall~~may adopt a resolution to either designate or not designate the property as a Structure of Merit.

The resolution shall contain specific findings made by the Commission pursuant to the criteria of Section 30.157.040 (A).
4. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Section 30.157.040 (E).
5. **Recordation of Resolution of Designation.** Upon the Commission's adoption of a resolution of designation as a Structure of Merit (or upon a final decision of the City Council on an appeal resulting in such designation), the City's Architectural Historian shall record the resolution of designation in the office of the Recorder of the County of Santa Barbara within sixty (60) calendar days of the Commission's adoption or the City Council's final action.

~~30.157.047 Repair and Maintenance of a Structure of Merit.~~

~~Structures of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Structure of Merit.~~

~~30.157.050 Exterior Alterations, Relocation, or Demolition of a Structure of Merit.~~

~~The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a Structure of Merit unless it has first made the applicable findings and determinations specified by this Section.~~

~~A. **Major Exterior Alterations.** It shall be unlawful to alter a Structure of Merit on the exterior unless the Commission has made the following findings:~~

- ~~1. The exterior alterations are being made to restore the Structure of Merit to its original appearance or in order to substantially aid its preservation or enhancement as an historic resource; and~~
- ~~2. The exterior alterations are consistent with the Secretary of the Interior's Standards.~~

~~B. **Relocation.** It shall be unlawful to relocate a Structure of Merit unless the Commission has made the following findings:~~

- ~~1. The relocation does not constitute a “demolition” as defined by this Chapter;~~
- ~~2. The relocation does not constitute alterations that would be incompatible with the goal of long-term preservation or enhancement of the Structure of Merit as an historic resource;~~
- ~~3. The relocation will substantially aid in its long-term preservation or enhancement as an historic resource; and~~
- ~~4. The relocation is consistent with the Secretary of the Interior’s Standards.~~

~~C. **Demolition.** It shall be unlawful to demolish a Structure of Merit unless the Commission has made at least one of the following findings:~~

- ~~1. Specific measures have been incorporated into the project scope to mitigate the loss of the Structure of Merit to a less than significant level;~~
- ~~2. The Structure of Merit has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible, as supported by substantial evidence provided by at least one qualified structural engineer or architect sufficient to warrant a finding of overriding considerations pursuant to CEQA;~~
- ~~3. Preservation of the Structure of Merit is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the Structure of Merit as supported by substantial evidence provided by at least one qualified historic preservation specialist, structural engineer (qualified in historic preservation), or architect (qualified in historic preservation) sufficient to warrant a finding of overriding considerations pursuant to CEQA;~~
- ~~4. A compelling public interest justifies demolition to warrant a finding of overriding considerations pursuant to CEQA.~~

~~D. **Minor Exterior Alterations.** It shall be unlawful to alter a Structure of Merit on the exterior unless the City Architectural Historian has made the following findings:~~

- ~~1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Structure of Merit to its original appearance; and~~
- ~~2. The alterations are consistent with the Secretary of the Interior’s Standards.~~

~~Minor exterior alterations to a Structure of Merit may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall~~

~~have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the Structure of Merit or the parcel of real property on which the Structure of Merit is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.~~

~~E. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.~~

~~The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.~~

30.157.060 Procedure of Listing on the Historic Resources Inventory.

The Commission, through the City's Architectural Historian, shall maintain for public review, and periodically update, a Historic Resources Inventory, identifying historic resources as defined by this Chapter by name, location, address, ~~or~~ and narrative description.

A. **Criteria for Inclusion.** Historic ~~resources~~ Resources in the Inventory shall be identified through either a professional historical resource survey or individual historic resource evaluation ~~and or~~ be found historically significant and eligible for designation as a Landmark, Structure of Merit, or contributing resource to a historic district under the criteria outlined in this Chapter, ~~as outlined in Section 30.157.035 or 03.157.080.~~

B. Procedure for Listing Historic Resources on the Inventory.

1. **Identification of Potential Historic Resources.** Properties may be proposed for inclusion on the Historic Resources Inventory in one of the two following ways:

- a. *Application.* The subject property owner, the Commission, the City Architectural Historian, or any interested person ~~who resides within the City~~ may submit an application ~~and with all required~~ supporting documentation for listing ~~the nomination on-in~~ to the Historic Resources Inventory, as defined by this Chapter. If the applicant is not the property owner, the City's Architectural Historian shall, within ten (10) calendar days of receipt of the application, notify the affected property owner in writing of the application submittal. The City's Architectural Historian shall determine if the application is complete and shall prepare a Significance Report.
 - b. *Administrative Listing.* Any building permit application to alter or demolish a structure, site, or feature that is fifty (50) years old or older shall be referred to the City's Architectural Historian for a determination of whether the property may be eligible for inclusion ~~on-in~~ the Historic Resource Inventory ~~in accordance with~~base upon the criteria established in this Chapter. If the City's Architectural Historian finds that the structure, site, or feature meets the criteria for historic significance, the Architectural Historian will prepare a Significance Report and add the property to the Inventory. If the City's Architectural Historian finds no historic significance, the property shall not be listed ~~on-in~~ the Historic Resource Inventory and the building/demolition application shall continue to be processed, ~~provided the applicant has otherwise complied with all necessary City building/demolition permit submittal requirements.~~
 - c. *Results of a Professional Historic Resources Survey.* Any individual historic resources or historic districts found historically significant in a Historic Resources Survey conducted by a qualified professional and accepted by the Commission at a public hearing shall be added to the Historic Resource Inventory.
2. *Notice.* The City's Architectural Historian shall notify the applicant and ~~or~~ property owner in writing whether the structure, site, or feature will be added ~~onto-in~~ the Historic Resource Inventory.
 3. ~~3-~~*Appeal of Significance Determination.* The applicant ~~and/or~~ property owner may appeal the City Architectural Historian's ~~decision~~ determination of significance to the

Commission within ten (10) calendar days of receipt of Notice. On appeal, the Commission shall review the Significance Report evaluating the resource to the criteria listed in Section 30.157.035 for which the property was found significant at a noticed public hearing conducted in compliance with this Chapter.

B. **Procedure for Removing Historic Resources from the Inventory.** Removal of a listing of a historic resource from the Historic Resource Inventory may be proposed by the property owner, Commission or any interested party based on physical evidence that the property ~~is not~~no longer possesses historically significant.

1. **Notice of Public Hearing.** A proposal to remove a property from the Inventory shall be considered by the Commission at a noticed public hearing pursuant to this Chapter.
2. **Commission Public Hearing.** The City's Architectural Historian shall prepare a Significance Report evaluating the historical integrity and ability of the property to meet the criteria outlined in this Chapter. In order to remove the ~~listing of an~~ historic resource from the Historic Resource Inventory, the Commission shall determine that the historic resource no longer meets the designation criteria due to a factual finding that:
 - a. There is a preponderance of new evidence demonstrating that the building is not historically or culturally significant;
 - b. Destruction of the historic resource through a catastrophic event has rendered the resource a hazard to the public health, safety, or welfare; or
 - c. The historic resource has been altered, demolished, or relocated utilizing all necessary permits.
3. **Notice of Removal.** Notice of the removal of a listing of an historic resource from the Inventory shall be mailed to the owner of record of the property.

~~30.157.64 — Maintenance and Repair of Resources on the Inventory.~~

~~30.157.65 — Resource listed on the Inventory shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Resource listed on the Inventory. Exterior Alterations, Relocations, or Demolition of Resources on the Inventory.~~

~~The Commission, or City Architectural Historian, shall not approve an exterior alteration to a resource on the Inventory unless it has first made the applicable findings and determinations specified by this Section.~~

~~A. **Major Exterior Alterations.** It shall be unlawful to alter a historic resource listed on the Inventory on the exterior unless the Commission has made the following findings:~~

- ~~1. The exterior alterations are being made to restore the historic resource listed on the Inventory to its original appearance or in order to substantially aid its preservation or enhancement as an historic resource; and~~
- ~~2. The exterior alterations are consistent with the Secretary of the Interior's Standards.~~

~~B. **Relocation.** It shall be unlawful to relocate a historic resource listed on the Inventory unless the Commission has made the following findings:~~

- ~~1. The relocation does not constitute a "demolition" as defined by this Chapter;~~
- ~~2. The relocation does not constitute alterations that would be incompatible with the goal of long term preservation or enhancement of the historic resource listed on the Inventory as an historic resource;~~
- ~~3. The relocation will substantially aid in its long term preservation or enhancement as an historic resource; and~~
- ~~4. The relocation is consistent with the Secretary of the Interior's Standards.~~

~~C. **Demolition.** It shall be unlawful to demolish a historic resource listed on the Inventory unless the Commission has made at least one of the following findings:~~

- ~~1. Specific measures have been incorporated into the project scope to mitigate the loss of the historic resource to a less than significant level;~~
- ~~2. The historic resource listed on the Inventory has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible, as supported by substantial evidence provided by at least one qualified structural engineer or architect sufficient to warrant a finding of overriding considerations pursuant to CEQA;~~

~~3. Preservation of the historic resource listed on the Inventory is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the historic resource listed on the Inventory as supported by substantial evidence provided by at least one qualified historic preservation specialist, structural engineer (qualified in historic preservation), or architect (qualified in historic preservation) sufficient to warrant a finding of overriding considerations pursuant to CEQA;~~

~~4. A compelling public interest justifies demolition to warrant a finding of overriding considerations pursuant to CEQA.~~

~~D. **Minor Exterior Alterations.** It shall be unlawful to alter a resource on the Inventory on the exterior unless the City Architectural Historian has made the following findings:~~

~~1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the resource to its original appearance; and~~

~~2. The alterations are consistent with the Secretary of the Interior's Standards.~~

~~Minor exterior alterations to a resource listed on the Inventory may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the resource listed on the Inventory or the parcel of real property on which the resource listed on the Inventory is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.~~

~~E. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.~~

~~The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.~~

30.157.080 Criteria for Designating a Historic District.

The zoning regulations applicable in a Historic District shall be as prescribed for the base zoning district within which the Historic District is located, provided that the requirements of the Historic District shall govern where conflicts arise.

- A. **Criteria.** For purposes of this Chapter, the criteria for designating an area within the City as a Historic District shall utilize any or all of the following criteria and considerations:
1. Associated with events that have made a significant contribution in our past;
 2. Associated with the lives of persons significant in our past;
 3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic value, or represent a significant and distinguishable ~~entity~~collection whose individual components may lack ~~individual~~ distinction;
 4. Yield or may be likely to yield, information important in prehistory or history; or
 5. Within the boundaries of a historic district, ~~most~~ (at least 80%?) of the structures must be considered "contributing" to the historic significance of the district which give the area authenticity and historical integrity.

30.157.85 Procedure for Designating a Historic District

- A. **Application for Designation.** An application for designation of an Historic District shall be submitted to the ~~Community Development Department~~City for initial review by the City's Architectural Historian. The application may be submitted by the Commission itself, on its own motion based on the results of a Survey, a ~~neighborhood~~Neighborhood organization~~Organization~~ with at least 60%? of its members consisting of property owners located in the proposed district, or one or more property owners within the proposed district. The application shall include:

1. Documentation by letter or preliminary petition that a majority of the property owners, a minimum of 60%, in the proposed district support the designation;
2. A map with the boundaries of the proposed district; and
3. An inventory and photographs of all properties in the proposed district including both contributing and non-contributing properties.

Within sixty (60) calendar days of the determination that the application is complete, the City's Architectural Historian shall prepare a Significance Report, establishing in the record that the district meets, or does not meet, some or all the criteria for designation, and shall schedule a noticed public hearing before the Commission.

- B. **Notice of Commission Public Hearing.** Prior to the Commission's public hearing on the proposed historic district designation, notice of time, place and purpose of the hearing shall be given at least ten (10) calendar days prior to the hearing by publication at least once in a newspaper of general circulation within the City, and at least sixty (60) calendar days prior to the date of the hearing, by first class mail to all to property owners within the boundaries of the proposed district as the ownership is listed on the last equalized assessment roll for the County of Santa Barbara.
- C. **Commission Public Hearing.** At the scheduled public hearing, the Commission shall review the application and designation report and recommend approval or denial of the designation application to the City Council. A decision by the Commission to disapprove the designation application based on findings that it does not meet the required criteria is final unless appealed by the applicant to the City Council. The Commission's recommendation for approval shall be based on written findings, referencing specific supporting factual evidence, that the historic district meets the criteria for designation as specified in this Chapter. Upon completion of the public hearing, the Commission ~~shall~~ may adopt a resolution that contains the specific findings made by the Commission to recommend the designation to City Council.
- D. **Notice to City Clerk.** Within thirty (30) calendar days of the decision by the Commission, the City's Architectural Historian shall notify the City Clerk of the Commission's decision, request that the City Clerk schedule a public hearing by the City Council, and submit the following documentation to the City Clerk:
1. Resolution of Recommendation from the Commission;
 2. Designation Report; and
 3. Map with the boundaries of the proposed district.

- E. **Notice of Council Public Hearing.** Notice of the time, place and purpose of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to property owners within the proposed Historic District as such ownership is listed on the last equalized assessment roll for County of Santa Barbara.
- F. **Council Public Hearing.** A public hearing on the recommendation of designation shall be held on the date designated. The City Council may approve, modify, or disapprove the Historic District Designation. Approval by the City Council shall be based on the finding that the Historic District meets the criteria for designation as specified in this Chapter. Disapproval shall be based on the finding that the Historic District does not meet the criteria for designation as specified in this Chapter.
- G. **Resolution of Designation.** Upon the City Council's adoption of a resolution of designation as a Historic District, the City Clerk shall cause such resolution of designation to be recorded against the properties in the Historic District in the Office of Recorder of the County of Santa Barbara within sixty (60) calendar days of the City Council's adoption of the resolution of designation, and shall mail such notice to all property owners within the designated historic landmark district.

30.157.86 Procedure for Rescission or Amendment of City Council Resolution of Historic District Designation.

Rescission of a historic district and/or amendments to the boundaries of an existing Historic District shall follow the procedures as identified within this Chapter for its designation 30.157.080.

~~**30.157.87 Maintenance and Repair of Contributing Resources in a Historic District**~~

~~Any contributing historic resource or landscape feature located within a historic district shall be preserved and maintained by owners of properties thereof in good condition and repair. Contributing historic resources may be repaired and altered on the exterior for purposes of restoring its original appearance, or to substantially aid in its preservation or enhancement (especially with respect to its particular architectural style), with the prior issuance of a Certificate of Appropriateness by the City's Architectural Historian for minor alterations or written approval of the Commission for major alterations.~~

~~Exterior Alterations, Relocation, or Demolition of a Contributing Resource in a Historic District.~~

~~The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a contributing resource in a historic district, unless it has first made the applicable findings and determinations specified by this Section.~~

~~**Major Exterior Alterations.** It shall be unlawful to alter a contributing resource in a historic district on the exterior unless the Commission has made the following findings:~~

~~1. The exterior alterations are being made to restore the contributing resource in a historic district to its original appearance or in order to substantially aid its preservation or enhancement as an historic resource; and~~

~~2. The exterior alterations are consistent with the Secretary of the Interior's Standards.~~

~~**Relocation.** It shall be unlawful to relocate a contributing resource in a historic district unless the Commission has made the following findings:~~

~~3. The relocation does not constitute a "demolition" as defined by this Chapter;~~

~~4. The relocation does not constitute alterations that would be incompatible with the goal of long-term preservation or enhancement of the contributing resource as an historic resource;~~

~~5. The relocation will substantially aid in its long-term preservation or enhancement as an historic resource; and~~

~~6. The relocation is consistent with the Secretary of the Interior's Standards.~~

~~7. **Demolition.** It shall be unlawful to demolish a contributing resource in a historic district unless the Commission has made at least one of the following findings:~~

~~8. Specific measures have been incorporated into the project scope to mitigate the loss of the contributing resource to a less than significant level;~~

~~9. The contributing resource has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible, as supported by substantial evidence provided by at least~~

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- ~~B. one qualified structural engineer or architect sufficient to warrant a finding of overriding considerations pursuant to CEQA;~~
- ~~1. Preservation of the contributing resource is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the contributing resource in a historic district as supported by substantial evidence provided by at least one qualified historic preservation specialist, structural engineer (qualified in historic preservation), or architect (qualified in historic preservation) sufficient to warrant a finding of overriding considerations pursuant to CEQA;~~
 - ~~2. A compelling public interest justifies demolition to warrant a finding of overriding considerations pursuant to CEQA.~~
 - ~~3. **Minor Exterior Alterations.** It shall be unlawful to alter a contributing resource in a historic district on the exterior unless the City Architectural Historian has made the following findings:~~
 - ~~4. The exterior alterations are being made primarily for, and will substantially advance, restoration of the contributing resource to its original appearance; and~~
 - ~~5. The alterations are consistent with the Secretary of the Interior's Standards.~~
- ~~C. Minor exterior alterations to a contributing resource may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the contributing resource, the parcel of real property on which the contributing resource is located, or the historic district. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.~~
- ~~D. _____~~
- ~~E. **E. Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.~~
- ~~F. The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.~~

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~~30.157.88~~30.157.87 **Designated Historic Districts**

- A. **Existing Historic Districts.** The following Historic Districts have been designated by the City Council:
1. El Pueblo Viejo Landmark District;

2. Brinkerhoff Avenue Historic District (formerly “Brinkerhoff Avenue Landmark District”);
3. Riviera Campus Historic District; and
4. El Encanto Historic District.

B. **Maps of Historic Districts.** The designated Historic Districts described in this Section are depicted in Figures incorporated herein, and made a part hereof including all notations, references, and other information shown therein. In the event of any variance between the map(s) and the written descriptions(s) contained in this Section, the written description(s) shall prevail.

C. El Pueblo Viejo (“EPV”) Landmark District

1. **Purpose.** The purpose of El Pueblo Viejo Landmark District is to preserve and enhance the unique historic and architectural character of the central core area of the City of Santa Barbara, which developed around the Royal Presidio, founded in 1782, and which contains many of the City’s important historic and architectural Landmarks, Structures of Merit, and contributing historic resources as provided in this Chapter that purpose is to be achieved by regulating the compatibility of architectural styles used in the construction of new structures and the exterior alteration of existing structures within a designated area, which includes the scenic entrances to the central core area of the City, in order to continue and perpetuate the City of Santa Barbara’s renowned tradition of Spanish Colonial Revival and Mediterranean styles of architecture.
2. **Description.** The following described area within the City of Santa Barbara constitutes the El Pueblo Viejo Landmark District:

a. *El Pueblo Viejo Landmark District Part I*

Beginning at the intersection of State Street with Mission Street; thence southeasterly along State Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with Laguna Street; thence southeasterly along Laguna Street to its intersection with Ortega Street; thence southwesterly along Ortega Street to its intersection with State Street; thence southeasterly along State Street to its intersection with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with Santa Barbara Street; thence northwesterly along Santa Barbara Street to its intersection with the extension of Garden Street; thence northwesterly along the extension of Garden Street to U.S. Highway 101;

thence returning southwesterly along Garden and Santa Barbara Streets to the intersection of Santa Barbara Street with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with U.S. Highway 101; thence returning along Cabrillo Boulevard to its intersection with Castillo Street; thence northwesterly along Castillo Street to its intersection with U.S. Highway 101; thence returning southeasterly along Castillo Street to its intersection with Cabrillo Boulevard; thence returning northeasterly along West Cabrillo Boulevard to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Carrillo Street; thence southwesterly along Carrillo Street to its intersection with U.S. Highway 101; thence northeasterly along Carrillo Street to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with State Street; thence northwesterly along State Street to its intersection with Mission Street; said intersection being the point of beginning.

b. *El Pueblo Viejo Landmark District Part II*

Beginning at the intersection of Los Olivos Street and Laguna Street; thence southwesterly along Los Olivos Street to its intersection with Garden Street; thence northwesterly along Garden Street to its intersection with the southerly prolongation of a line bearing N. 03°16'40"W. as shown in Assessor's Map Book 51, page 15, County of Santa Barbara, dated 1960; thence northerly along said line to its intersection with a line bearing N.29°11'W.; thence northwesterly along said line to its intersection with the boundary line of the City of Santa Barbara; thence beginning northeasterly and continuing along said boundary line to its intersection with the northerly prolongation of Mission Ridge Road; thence southerly and westerly along Mission Ridge Road to a line bearing N.03°W., said line being the westerly line of Mission Ridge Road and the easterly boundary line of Parcel 19-071-10 shown in Assessor's Map Book 19, page 07, County of Santa Barbara, dated 9/73; thence along a straight line southwesterly to the intersection of Plaza Rubio and Emerson Avenue; thence southwesterly along Plaza Rubio to its intersection with Laguna Street; thence northeasterly along Laguna

Street to its intersection with Los Olivos Street, said intersection being the point of beginning.

The El Pueblo Viejo Landmark District shall include all properties located within the area described in this Section, and all properties fronting on either side of any street or line forming the boundary of such area; except that the following areas shall be excluded:

1. Stearns Wharf;
2. Areas located within the Brinkerhoff Avenue Landmark District; and
3. That area south of West Cabrillo Boulevard and to the west of a point 150 feet east of an imaginary extension of Bath Street at its same course.

- c. ***Architectural Styles and Natural Features Within El Pueblo Viejo Landmark District.*** Generally. Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival/Mediterranean tradition as it has developed in the City of Santa Barbara from the later 18th century to the present, with emphasis on the early 19th century California Adobe styles, and the Spanish Colonial Revival/Mediterranean styles of the period from 1915 to 1930. Examples of these styles are:
- i. Hill-Carrillo Adobe (California Adobe).
 - ii. De la Guerra Adobe (California Adobe).
 - iii. Covarrubias Adobe (California Adobe).
 - iv. Mihran Studios (Spanish Colonial Revival).
 - v. Arlington Theatre (Spanish Colonial Revival).
 - vi. Santa Barbara County Courthouse (Spanish Colonial Revival).
 - vii. El Paseo (Spanish Colonial Revival).
 - viii. Lobero Theatre (Spanish Colonial Revival).
- d. ***Placement, Alteration, Or Removal Of Natural Features (Including Trees) On Private Property.*** No natural features affecting the exterior visual qualities of private property located in the EPV (excluding trees listed in Santa Barbara Municipal Code Section 15.24.020 which are processed pursuant to Chapter 15.24) shall be placed, altered, or removed without the

approval of the Commission or City Council upon appeal. Minor alterations may be allowed subject to staff administrative approval.

D. Brinkerhoff Avenue Historic District

3. **Purpose.** The purpose of the Brinkerhoff Avenue Historic District is to preserve and enhance the historic and architectural character of the Brinkerhoff Avenue area of the City of Santa Barbara, which is a unique neighborhood of late 19th century and early 20th century structures. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate examples of this important era in Santa Barbara's history.

4. **Description.** The following described area within the City of Santa Barbara is hereby designated as a Historic district and shall be known as Brinkerhoff Avenue Landmark District: Assessor's Parcel Nos. 37-122-09, 37-122-17, 37-123-12, 37-123-13, 37-162-01 through 37-162-12, 37-163-01, 37-163-02, 37-163-09 through 37-163-20, 37-203-02 and 37-203-03 as shown on pages 12 (3/72), 16 (3/70) and 20 (L/D) in Assessor's Map Book 37 for the County of Santa Barbara.

The Brinkerhoff Avenue Historic District shall include all properties located within the above described area and those portions of streets fronting on those parcels as shown on the attached map labeled Brinkerhoff Avenue Landmark District.

Architectural Styles Within Brinkerhoff Avenue Historic District. Any structure hereafter constructed or altered as to its exterior appearance and located within Brinkerhoff Avenue Historic District shall, as to its exterior architecture, be compatible with the late 19th century and early 20th century tradition as it developed in the Santa Barbara area, with emphasis on the Italianate, Eastlake, Colonial Revival, and Queen Anne, Queen Anne Free Classic and Craftsman styles. Examples of these styles are:

- a. Hernster House, 136 W. Cota Street (Italianate)
- b. Tallant House, 528 Brinkerhoff Avenue (Eastlake/ Stick)
- c. Ross House, 514 Brinkerhoff Avenue (Queen Anne Free Classic)
- d. 501 Chapala Street (Queen Anne)

E. Riviera Campus Historic District.

5. **Purpose.** The purpose of the Riviera Campus Historic District is to preserve and enhance the historic and architectural character of the Riviera Campus in the City of Santa Barbara, which is comprised of the historic campus of the Santa Barbara Normal School of Manual Arts and Home Economics, which later became the University of California at Santa Barbara. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate the preservation of this valued feature of the City's built environment.
6. **Description.** The area within Specific Plan No.7 (Riviera Campus) within the City of Santa Barbara shall be known as Riviera Campus Historic District ("Riviera"). Riviera shall include all properties located within the above-described area and those portions of streets fronting on those parcels as shown on the map labeled Riviera Campus Historic District identified under Section 30.157.089.E.
7. **Architectural Styles Within Riviera Campus Historic District.** Any structure hereafter constructed or altered as to its exterior appearance and located within Riviera Campus Historic District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival and Spanish Eclectic architecture of the extant buildings on the Riviera Campus. Examples of these styles are:
 - a. The Quadrangle Building, 2030 Alameda Padre Serra (Spanish Eclectic)
 - b. The Grand Stairway, 2030 Alameda Padre Serra (Spanish Eclectic)
 - c. Furse Hall, 2040 Alameda Padre Serra (Spanish Colonial Revival)
 - d. Ebbets Hall, 2020 Alameda Padre Serra (Spanish Colonial Revival)

F. El Encanto Hotel Historic District.

8. **Purpose.** The purpose of El Encanto Hotel Historic District is to preserve and enhance the historic and architectural character of the historic El Encanto Hotel Landmark site in the City of Santa Barbara, which is a unique complex of early 20th century structures and landscape features. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures, in conformance with their original, significant architectural qualities in

order to continue and perpetuate examples of this important era in Santa Barbara's history.

9. **Description.** The El Encanto Hotel Historic District shall include all the properties located within the above-described area and those portions of streets fronting on the parcel shown on the map labeled El Encanto Hotel Historic District identified under Section 30.157.089.F.

10. **Architectural Styles Within El Encanto Hotel Historic District.**

Any structure hereafter constructed or altered as to its exterior appearance and located within El Encanto Hotel Historic District shall, as to its exterior architecture, be compatible with the currently existing Craftsman/Vernacular and Spanish Colonial Revival architecture of the contributing resource buildings within the El Encanto Hotel Historic District.

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30.157.098 Reconstruction of Historic Resources within Conejo Slide Area.

- A. **Slide Mass "C".** Designated City historic resources located within the Slide Mass "C" Area may be reconstructed in accordance with the latest edition of the California Historical Building Code as amended by the State of California, provided that such reconstruction is accomplished as follows:

1. In a manner which follows the Secretary of the Interior's Standards;
2. In a manner consistent with appropriate historic design review where design approval of the historic resource is obtained from the Commission as required by this Chapter; and
3. The structure constituting the historic resource is never expanded in size except for a one-time expansion not to exceed 150 net square feet provided that such expansion is first reviewed and approved by the Commission.

30.157.100 Commission Hearing and Notice Requirements.

- A. **Projects That Require Public Hearing.** The Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, two-unit residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings or nonresidential buildings;
2. The addition of over 500 square feet of net floor area to a single-unit residential or two-unit residential duplex;

3. An addition of a new second or higher story to an existing single-unit residential or two-unit residential duplex;
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single-unit residential or two-unit residential duplex;
5. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multi-unit residential unit;
6. Small nonresidential additions as defined in Section 30.295.020;
7. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and re-compacted shall not be included in the calculation of the volume of grading outside the building footprint);
8. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels;
9. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property;
10. Projects involving an application for an exception to the parking requirements for a single residential unit as specified in Santa Barbara Municipal Code Section 28.90.100.G.1.c.; or
11. Projects involving an application of a Minor Zoning Exception as specified in Section 30.245.060 of this Code.

30.157.110 Commission Referral of Residential Projects to Planning Commission.

- A. **Planning Commission Comments.** When the Historic Landmarks Commission determines that a development is proposed for a site which is highly visible to the general public, the Commission may, prior to granting project design approval of the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Historic Landmarks Commission in its deliberations.
- B. **Planning Commission Notice and Hearing.** Prior to making any comments regarding an application pursuant to this Section, the Planning Commission shall hold a noticed

public hearing. Notice of the hearing shall be provided in accordance with the requirements of Section 30.205.070.

30.157.120 Application Fee

Applications submitted pursuant to this Chapter shall be accompanied by an application fee in the amount established by resolution of the City Council.

30.157.130. Publicly Owned Buildings

- A. **Generally.** Except as provided in Subsections B and C below, any structure, natural feature, site, or area owned or leased by any public entity other than the City of Santa Barbara and designated as a Landmark, Structure of Merit, or located within any Landmark or Historic District, shall not be subject to the provisions of this Chapter.
- B. **Exception for City Facilities.** The alteration, construction, or relocation of any structure, natural feature, site, or area owned or leased by the City and designated as a Landmark, Structure of Merit, or located within any Landmark or Historic District, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.
- C. **Exception for Improvements Within the Highway 101 Santa Barbara Coastal Parkway Special Design District.** The alteration, construction, or relocation of any structure, natural feature, site, or area owned or leased by a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Section 22.68.060.C, which requires a Coastal Development Permit pursuant to Chapter 28.44 and which is designated as a Landmark, Structure of Merit, or which is located within any Landmark or Historic District shall be reviewed by the Commission.
- D. **Exception for Street Trees, City Trees, Historic Trees, and Specimen Trees.** Notwithstanding Subsection B of this Section, the placement, alteration, or removal of the following trees shall be processed and regulated as follows:
 - 1. Any tree planted in a parkway strip, tree well, public area, or street right-of-way owned or maintained by the City is processed and regulated pursuant to Santa Barbara Municipal Code Chapter 15.20.

2. Any tree designated by a resolution of the City Council as an historic tree, an historic landmark tree, or a specimen tree is processed and regulated pursuant to Santa Barbara Municipal Code Chapter 15.24.

30.157.135 Review of Minor Zoning Exceptions.

For projects subject to design review by the Commission, the Commission shall, in addition to any review required pursuant to this Chapter, review applications for a Minor Zoning Exception pursuant to Santa Barbara Municipal Code Section 30.245.060.

30.157.136 Review of Alternative Open Yard Design.

For projects subject to design review by the Commission, the Commission shall, in addition to any review required pursuant to this Chapter, review applications for an Alternative Open Yard Design on multi-unit residential or mixed-use projects pursuant to Santa Barbara Municipal Code Section 30.140.150.

30.157.137 Review of Outdoor Sales and Display.

For projects subject to design review by the Commission, the Commission shall, in addition to any review required pursuant to this Chapter, review all proposals for Outdoor Sales and Display pursuant to Santa Barbara Municipal Code Section 30.295.040.V.

30.157.140 Project Compatibility Analysis.

- A. **Purpose.** The purpose of this Section is to promote effective and appropriate communication between the Commission and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision-making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.
- B. **Project Compatibility Considerations.** In addition to any other considerations and requirements specified in this Code, the six (6) "Project Compatibility Considerations" identified in the Commission Guidelines shall be considered by the Commission when it reviews and approves or disapproves the design of a proposed development project in a

noticed public hearing pursuant to the requirements of Santa Barbara Municipal Code Section 30.157.100.

C. Procedures For Considering Project Compatibility.

1. ***Projects with Design Review Only.*** If a project only requires design review by the Commission pursuant to the provisions of this Chapter and does not require discretionary land use approval, the Commission shall consider the criteria listed in Subsection (B) above during the course of its review of the project's design prior to the issuance of the preliminary design approval for the project.
2. ***Projects with Design Review and Other Discretionary Approvals.*** If, in addition to design review by the Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Commission shall review and discuss the criteria listed in Subsection (B) above during its conceptual review of the project and shall provide its comments on those criteria as part of the minutes of the Commission decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the appropriate case may be) and as deemed necessary by the Commission.

30.157.145 Incentives for Preserving Historic Resources; Mills Act.

A. **Legislative Intent; Administrative Regulations.** In enacting this Section, the City Council seeks to adopt a City program of incentives to encourage the maintenance and preservation of historic resources within the City of Santa Barbara. In order to carry out this program more effectively and equitably and to further the purposes of this Section, the Council may also, by resolution, supplement these provisions by adopting administrative regulations and standardized forms for a broad City program of economic and other incentives intended to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.

B. **B. Preservation Incentives Under the State Mills Act - Government Code Sections 50280-50290.** Preservation incentives may be made available by the City to owners of properties that are Qualified Historic Properties (as that term is used by *Government Code* Section 50280.1) such as individually designated City Landmarks or Structures of

Merit or those properties that are deemed to contribute to designated City Landmark or Historic Districts (or Districts listed in the National Register) as determined appropriate by the City Council.

C. Qualified Historic Property Mills Act Contracts.

1. Purpose.

a. The purpose of this Section is to implement state Government Code Sections 50280 through 50290 in order to allow the City approval of Qualified Historic Property Contracts by establishing a uniform City process for the owners of qualified historic resource properties within the City to enter into Mills Act contracts with the City.

b. The City Council finds and determines that entering into Qualified Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate, maintain, and preserve those properties.

c. The City Council further finds that, in some instances, the preservation of these properties will assist in restoring, maintaining, and preserving the City's existing stock of affordable housing and support the goals and objectives in the Land Use Element of the City General Plan concerning the preserving of historically and architecturally significant residential structures.

2. Limitations on Eligibility for a Mills Act Contract.

a. In approving this program, it is the intent of the City Council that unrealized revenue to the City from property taxes not collected due to executed Qualified Historic Property Contracts shall not exceed a total annual amount (including total individual amounts for any one historic property), as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter, unless exceeding this limit is specifically approved by the Council.

b. In furtherance of this policy, Qualified Historic Property Contracts shall be limited to a maximum number of contracts each year consisting of a certain number of residential properties each year and a certain number of commercial or industrial properties each year, unless the City Council approves additional contracts beyond the established limits as such amounts are established by a

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resolution of the City Council adopted concurrently with the enactment of this Chapter. In addition, no single- unit residence approved for a City contract pursuant to this Section may have an assessment value in excess of an amount established by the City Council nor may the assessed value of any non-single unit residential property (i.e., a multi-unit residential, or nonresidential property) exceed an amount established in the City Council's concurrent resolution.

c. For the purpose of this paragraph 2, assessed valuation does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution, and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

3. *Required Provisions of Qualified Historic Property Contracts.*

a. *Mills Act Provisions Required.* The required provisions of a Qualified Historic Property Contract between the City and the property owner shall be those required by State law (Government Code Sections 50281 and 50286) expressly including the following specifications:

i. Term. The contract shall be for the minimum 10 year term, with automatic renewal by either the City or the property owner on the anniversary of the contract date in the manner provided in Government Code Section 50282.

ii. Restoration and Maintenance Plan; Standards. The fundamental purpose of the contract will be an agreement to assist the property owner in the owner's restoration, maintenance, and preservation of the qualified historic resource; therefore, the plan for restoration and maintenance of the property required by the contract shall conform to the rules and regulations of the State of California Office of Historic Preservation (California Department of Parks and Recreation), the Secretary of the Department of the Interior's Standards, and the State Historical Building Code.

iii. Verification of Compliance with Plan. The real property owner will expressly agree in the contract to permit periodic examination of the interior and exterior of the premises by the County Assessor, the City Community Development Director, the State Department of Parks and Recreation, and the State Board

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of Equalization, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.

iii. Property Visible from Street. The real property owner will expressly agree and the plan shall provide that any fencing or landscaping along the public right-of-way frontages of the real property will be placed such that it allows the home or building to be visible to the public from the public rights-of-way.

iv. Recordation of Contract. The contract shall be recorded by the Santa Barbara County Recorder's Office and shall be binding on all successors-in-interest of the owner with respect to both the benefits and burdens of the contract.

v. Notice to State. The City shall provide written notice of the contract to the State of California Office of Historic Preservation within one hundred eighty (180) calendar days of entering into the contract.

vi. Procedure for Non-Renewal. The procedure for notice of non-renewal by the owner or the City shall be as identified in State law (Government Code Section 50282 (a), (b), and (c), and Section 50285.)

vii. Annual Report Required. The contract shall require the real property owner to file an annual report, initially, on the program of implementing the plan or restoration or rehabilitation until that has been completed to the satisfaction of the Community Development Director, and thereafter, on the annual maintenance of the property, which report may require documentation of the owner's expenditures in restoring, rehabilitating, and maintaining the Qualified Historic Property.

viii. Cancellation of Contracts. The contract shall expressly provide for the City's authority to cancel the contract if the City determines that the owner has breached the contract either by his or her failure to restore or rehabilitate the property in accordance with the approved plan or by the failure to

maintain the property as restored or rehabilitated. The manner of cancellation shall be as set forth in Government Code Sections 50285 and 50286.

b. *Breach of Contract.* Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the other substantive provisions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was originally designated.

c. *Cancellation Fee.* The contract may also provide that if the City cancels the contract for any of these reasons, the owner shall pay the State of California a cancellation fee of 12 1/2% of the full value of the property at the time of cancellation, as determined by the County Assessor, without regard to any restriction on the property imposed by the Historic Property Contract.

d. *Force Majeur Cancellations.* The contract shall require that in the event preservation, rehabilitation, or restoration of the Qualified Historic Property becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract may not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

e. *Standard Contract.* The City Community Development Department shall prepare and maintain a sample Historic Property Contract with all required provisions specified by this paragraph 3.

4. *Procedures for Application for and Approval of Historic Property Contracts.*

a. An owner of a qualified historic property (as listed in Subsection B of this Section) may file an application for entering into an Historic Property Contract with the City.

b. Each application shall be accompanied by a complete legal description of the property; and

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- c. Each application shall be accompanied by a scope of work for the restoration or rehabilitation of the property.
- d. In January of each year, the City may notify, either by mailing or published notices, the owners of qualified historic properties of the period of application for and process for City Historic Property Contracts for that calendar year.
- e. Application forms, as prescribed by the City, shall be mailed to any property owner who requests the application forms.
- f. Upon submission of an application and the plan for restoration or rehabilitation of the property, the application and plan shall be reviewed for completeness by the City's Architectural Historian within sixty (60) calendar days of the submission. In connection with this review, the Architectural Historian shall complete an initial inspection of the Qualified Historic Property, obtain photo documentation of the existing condition of the property, and utilize the inspection information to revise the plan for restoration or rehabilitation where necessary.
- g. All applications and plans for restoration or rehabilitation deemed complete and acceptable to the City's Architectural Historian shall, within sixty (60) calendar days of being deemed complete, be submitted to the Commission. Such application and plans shall be evaluated by both the City's Architectural Historian and the Commission for compliance with established City criteria that will include, but not be limited to, the following findings:
 - i. The plan will substantially contribute to the preservation of an historic and unique City resource which is threatened by possible abandonment, deterioration, or conflicting regulations, and it will enhance opportunities for maintaining or creating affordable housing, or it will facilitate the preservation and maintenance of a property in cases of economic hardship.
 - ii. The plan will support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.

- iii. The Community Development Director has certified that the property does not now consist of any unpermitted or unsafe construction or building elements, is not the subject of a pending City code enforcement matter, and is current on the payment of all property taxes.
- iv. Any new construction will not impact the eligibility for the structure to qualify as a Qualified Historic Resource, as that term is used in the Mills Act.
- h. Upon completion of the Commission review of the application and plan, the Commission shall make a recommendation to the Community Development Director for City approval or disapproval of the contract.
- i. If an application is recommended for approval by the Commission, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.
- j. Additional provisions in the Contract desired by the owner shall be subject to approval by the Community Development Director or, when determined appropriate by the Community Development Director, by the City Council and as to form by the City Attorney in all cases.
- k. The City Finance Director shall determine that the proposed contract does not cause the total annual revenue loss to the City to exceed the amounts established by resolution for this program by the City Council, both collectively and for individual properties.
- l. Upon approval of the contract by the Finance Director, the contract signed by the property owners shall be submitted to the City Clerk/City Administrator and City Attorney for execution of the contract on behalf of the City and for recordation by the City Clerk's Office.
- m. Historic Property Contracts that exceed the limits identified in this Section shall only be approved and executed after and upon the express approval of the City Council.

30.157.170 Enforcement and Penalties.

A. Misdemeanor. Any person who violates a requirement of this Chapter, fails to obey an order issued by the Commission or City Council pursuant to this Chapter, or fails to comply with a permit condition of approval issued under this Chapter shall be guilty of a misdemeanor.

B. Nature of Violation/Moratorium. Any substantial alteration or demolition of a designated Landmark, Structure of Merit, Contributing Resource, historic resource listed on the City's Inventory or historic resources being reviewed in a Survey, un-surveyed properties found to have potential historic significance, and/or historic resources located within a Landmark or Historic District in violation of this Chapter, is expressly declared to be a public nuisance and, to the fullest extent possible, shall be abated by restoring or reconstructing the historic resource to its original condition prior to the violation. In the case of demolition of any historic resource described herein, the Community Development Director is hereby authorized to issue a temporary moratorium for the development of the subject property upon which such historic resources, prior to its demolition, was located for a period not to exceed sixty (60) months (5 years).

C. Civil Penalties. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition of those items stated in Subsection B, above, in violation of this Chapter, shall be liable for a civil penalty. In the case of demolition, the civil penalty shall be equal to one-half the fair market value of the property prior to the demolition. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the historic resource based on an estimate obtained by the City at the cost of the offender. Once the civil penalty has been paid, building and construction permits and/or a Certificate of Occupancy may be issued. This penalty is in addition to and not in lieu of the moratorium set forth in Subsection B, above.

D. Other Remedies. The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement of the historic resource demolished, partially demolished, altered, or partially altered in violation of this Chapter. The City Attorney may also pursue any other action or remedy authorized under the Santa Barbara Municipal Code, State law, and/or in equity for any violation of this Chapter. This civil remedy shall be in

addition to, and not in lieu of, any criminal prosecution and penalty or other remedy provided by law.

E. Continuing Violation. In accordance with Santa Barbara Municipal Code Section 1.28.050, violations of this Chapter are deemed continuing violations and, each and every day a violation continues, is deemed to be anew and separate offense subject to a maximum civil penalty of \$250 for each and every offense.

Public Comment #6

From: [Fermina Murray](#)
To: [Nicole Hernandez](#)
Subject: Comments and suggestions to include in the HR Ordinance Draft
Date: Monday, May 18, 2020 11:17:11 AM
Attachments: [HISTORIC RESOURCES ORDINANCE Comments for SBC 5-12-20.doc](#)

EXTERNAL

Dear Nicole,

First of all, I want to commend You, the City Attorney, and staff for this major accomplishment in making public the Draft HR Ordinance. It is a meaty Ordinance and I am very grateful for it.

I have reviewed it thoroughly, particularly on how it relates to the Historic Resources Element, as you will see in the attached memo and copies of HR Element's action policies.

The comments & suggestions are intended to **strengthen the Ordinance and include a major component such as addressing Buffer Zones around landmarks.**

May these comments/suggestion be gathered into your pool of resources for for the next HLC hearing and Ordinance Committee work.

The HR Element action policies that are cited in the memo will be sent to you as photographic images.

Please send me a quick note that you received them.

With much appreciation to you Nicole!
Please stay safe and healthy, the City needs you!
Fermina

DRAFT HISTORIC RESOURCES ORDINANCE (HRO)
Comments by Fermina Murray
May 13, 2020

Section I: Suggested edits and additions to the text of the Draft Historic Resources Ordinance dated March 2020

30.157.030, Definitions, pages 5-6.

Demolition by Neglect shall be added as part of the Definition of Demolition.

“Q. Demolition. The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating, or razing a structure or commencing the work thereof with the intent of completing the same.

ADD: It includes “demolition by neglect,” the act of allowing a building or site improvements to fall into such a state of disrepair that it becomes necessary or desirable to demolish it. (This added text is from the Historic Resources Element adopted by the City Council in 2012, page 17).

Reasoning: By adding it to the definition of “Demolition,” every time the word demolition is used or applied it will unmistakably include “Demolition by Neglect.”

30.157.080, page 22, Criteria for Designating a Historic District

A. Criteria:

5. Within the boundaries of a historic district, most **(at least 51 percent)** of the structures must be considered “contributing” to the historic significance of the district which give the area authenticity and historical integrity.

Reasoning: Fifty-one percent contributing resources is a reasonable threshold that would require concentration of resources in the historic district without setting the threshold so high that it would be very difficult to meet.

30.157.085, pages 22-23, Procedure for Designating a Historic District

- A. Application for Designation.....The application may be submitted by the Commission itself, on its own motion based on the results of a Survey; **Delete “or a neighborhood organization with at least ___% of its members consisting of property owners located in the proposed district.”** Retain “or one or more property owners within the proposed district.”

1. Documentation by letter or preliminary petition that a majority of the property owners, a minimum of **fifty-one percent**, in the proposed district, support the designation.

Reasoning: Application to designate a Historic District should be easy for any property owner or owners in a given potential historic district. Regarding the level of support of property owners for designation as a historic district, fifty-one percent is a majority of those owners and a fair and reasonable portion to expect to offer their agreement.

Section II: Important Provisions Missing in the Current Draft Historic Resources Ordinance which should be included.

Archaeological Resources

The archaeological resources are not addressed or included in the HR Ordinance.

The Historic Resources Element (HRE) approved and adopted by the City Council in 2012, provides action policies for the protection of Archaeological Resources.

Strongly suggest that these provisions be used as the basis for drafting a text for the Ordinance. (Please see the attached excerpts from the Historic Resource Element, HR1.5: A,B,& C, page 10). The HRE Document is also available for use (free) from the City's website or if anyone is interested I can send it.

Cultural Landscapes and Cultural Resources

Again, the Historic Resources Element (HRE) provides excellent action policies for dealing with Cultural Landscapes resources, which could be used as the basis for drafting a text for the HR Ordinance. (Please find the attached excerpts HR6 & HR7, page 13)

Definitions (from HR Element, page 17)

Cultural Landscape – A geographical area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

Cultural Resource – Something that has acquired significant associations with human activities and human events.

Buffer Protections of Historic Resources

A very important feature of protection of historic resources that is NOT in the HR Ordinance Draft.

Once again, the Historic Resources Element HR2. to HR2.8, pages 10-11 spell out the intent and action policies of **Buffer Zones**. These policies should be used as a basis for drafting Buffer Protection provisions to include in the HR Ordinance. (Excerpts are attached).

For example, the HRE states:

“HR2.8 Employ historic resource buffers. Use the following measures to establish buffer zones to further protect historic resources:

- a. Require that all parcels within 100 feet of a historic resource be identified and flagged for scrutiny for impacts on those resources, prior to either approval of any development application.
- b. All development proposed within 250 feet of historic adobe structures, El Presidio de Santa Barbara State Historic Park and areas inclusive of the original footprint of the Presidio and other City Landmarks to be selected may be subject to measures for additional protection. Such protection may require adjustments in height, bulk, size, and setbacks.”

.....

The excerpts from the Historic Resources Element cited above will be sent as photographic attachments.

Thanks for your consideration,
Fermina Murray

ALLIED

Neighborhoods Association

BOARD OF OFFICERS

Mary Turley
President

Bonnie Donovan
1st Vice President

Jean Holmes
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*Citizens for Livable
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*Citizens Planning
Association*

*Flamingo Neighborhood
Association*

*Grove Lane Area
Neighborhood Assoc.*

*Hidden Valley
Residents Assoc.*

*La Mesa Neighborhood
Association*

*Mesa Protection
Alliance*

*Samarkand
Neighborhood Assoc.*

*West Beach
Neighborhood.*

May 22, 2020

Re: Proposed Amendments to Historic Resources Ordinance, SB
Municipal Code Chapter 30.157

Dear Historic Landmarks Commission,

Allied Neighborhoods Association is very pleased that the long-awaited draft amendments to the Historic Resources Ordinance have been released. We want to acknowledge and thank city staff who worked on these draft amendments, including Nicole Hernandez, the City Attorney's Office, Community Development staff and others.

Allied supports protecting and preserving our historic resources which are an important element in the attraction of our town and our tourist economy. Of particular interest in the amendments is the section that outlines a process for Historic Districts.

We look forward to the Historic Landmarks Commission review Wednesday, May 27th and want to take this opportunity to thank the Commissioners for their time and service to our community.

Sincerely,

Allied Neighborhoods Association

cc: Nicole Hernandez

Ariel Calonne

Greg Lusitana

Paul Casey

George Buell

Renee Brooke

Mayor and City Council

Public Comment #8

From: [Francesca Galt](#)
To: [Community Development HLCsecretary](#)
Subject: HLC meeting May 27, 2020 (comments regarding items on the agenda)
Date: Sunday, May 24, 2020 1:50:08 PM

EXTERNAL

Dear Santa Barbara Historic Landmarks Commissioners,

410 State St

A landscape plan is needed, preferably using native trees and plants. Our natural, historic and cultural environment should be considered as well as the aesthetics of the building.

800 Santa Barbara St

Here is an opportunity to landscape using culturally and historically native trees and plants. I recommend input by the Santa Barbara Botanic Garden.

p 2

Initial Public Comment on the Proposed Amendments in the Historic Resources Ordinance

Definitions

Incorporate Cultural Landscapes And Cultural Resources

I urge you to include these definitions and concepts in the ordinance.

many thanks
Sincerely,

Francesca Galt 980 Andante Rd SB 93105 805 563 3872

Public Comment #9

From: [Paulina Conn](#)
To: [Community Development HLCsecretary](#)
Subject: Historic Resources Ordinance
Date: Sunday, May 24, 2020 4:00:50 PM

EXTERNAL

Dear Historic Landmarks Commission,

Thank you all for strengthening the Historic Resources Ordinance.

Please add to the Ordinance:

1. Historic Cultural Landscapes.
2. Historic Roads and their roadside furnishings, including vegetation if needed, and spatial relationships.
3. Historic Signage and sign placement
4. Yearly education of all City Departments including the City Council on what to be aware of and to do to preserve historic resources before beginning maintenance, repair, or changes. Please include an inservice or manual that must be read by all new employees in all departments. It is every person's responsibility to be aware of how insensitive work can harm the integrity of historic resources.
5. Have a whistleblower hotline so insensitive work done by private or public entities can be stopped before too much damage is done.
6. Have a way to undo work that is done without HLC consent that is incompatible with Historic Preservation especially when it is a project or change done "after final approval".

1.(above). The book: *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*, edited by Charles Birnbaum and Christine Capella Peters, U. S. Department of the Interior National Park Service Cultural Resource Stewardship and Partnerships Heritage Preservation Services Historic Landscape Initiative, Washington, D.C, 1996, explains different types of historic landscapes, different, appropriate ways to restore or change.

2. (above). The books: *Saving Historic Roads*, by Paul Daniel Marriott, Preservation Press, 1998, explains that the USA does not design unsafe roads. Criteria change through the ages. This books explains how to preserve roads and make alterations where needed while keeping historic integrity.

Another book by Paul Daniel Marriott is easily read on-line: *the Preservation Office Guide to Preserving Historic Roads, Clarifying Preservation Goals for State Historic Preservation Offices, Establishing Preservation Expectations for State Transportation Departments*, June 2010. http://fitchfoundation.org/wp-content/uploads/2017/05/FITCH_Paul-Marriott_final_web.pdf

3.(above). Preservation Brief #25 has some thoughts on signage but I believe Santa Barbara's HLC is better off creating its own guidelines for preserving the signs that are felt to be unique to our different neighborhoods.

1. (above, local application). We are losing historic landscapes in the USA.

Often times the historic landscape design is as important as the historic structure. Sometimes landscapes are more important than the structure.

Often times the whole, structure(s) and landscape(s) together, and even the road or ally have to be evaluated and/or preserved together for the best historic integrity.

The allee of pine trees and the width of E. Anapamu St. east of Santa Barbara St. are character defining features of this neighborhood.

2. (above, local application). We are losing historic roads in the USA. We can preserve them if we know how.

Santa Barbara has some unique historic roads such as the narrow, curving ones on the Riviera with sandstone road furnishings; the Mesa roads of the knoll of the Hilda Rae McIntire Park area that are irregular, and seemingly haphazard, have no curbing or sidewalks and have the casual, rural feel of another era. Both are historic character defining features of their neighborhoods.

Some Santa Barbara roads have a special historic road design that today provide important historic spacial relationships to the historic resources they pass through.

The 400 and 500 blocks of East Los Olivos St. and the connecting 2200 block of Alameda Padre Serra were purposefully designed in 1913 as the curves and widths with the triangle that exist today by the born in Santa Barbara, civil engineer, Eldon Addison Garland (1885-1971). This design slows traffic at the Santa Barbara Mission and Mission Historical Park while providing the aesthetic spacial relationships of the various park settings.

3.(above, local application). Signs can be attractive or create clutter. They can create a unifying, calming effect or create a feeling of chaos.

Santa Barbara has historic wooden signs, historic signs engraved in sandstone and other types of historic signage that can bring unity to a neighborhood. The Transportation Department has to be careful to NOT clutter with too many signs. The Parks Department also has to be careful to have signs be appropriate in size, scale, numbers, style and placement.

4. (above, local application). Education in historic resource preservation is relevant to all city departments. Even departments that might seem irrelevant should be educated about the importance of protecting Santa Barbara Historic Resources and what these historic resources are. All departments have contact with the public and with each other. One never knows where the critical information that saves historic resources will be disseminated.

The City Transportation Department and the City Signage Department need to work more closely and **cooperatively** with HLC. Independent decisions are too often made that ruin all the work of HLC.

All departments must be continually educated on the importance of preserving historic resources and their responsibility for doing so.

Three examples of missed aesthetic opportunities:

A. Mason St. Bridge. The historic sandstone E. Mason St. bridge was demolished. The sandstone was reused for part of the pedestrian path protection and then the DOT put in an ugly metal guardrail and ugly yellow and black warning sign where they really are not needed. It seems that no thought was given to aesthetics for the end product. This is a straight road with little traffic.

There must be a way to keep the Transportation Department from ruining the aesthetics of neighborhoods.

They must be required to come to HLC if they have after-the-fact changes. That metal

guardrail at the Mason St. bridge is overkill.

B. Museum of Natural History path along Puesta del Sol Rd. The DOT required path in front of the Museum of Natural History went through the HLC process.

A year after the project was “finished” the DOT put in No Parking signs, a wayfinding sign, and a Loading Zone sign along the carefully designed path and on the fought for, all green light post.

The wayfinding sign was placed on the light post ruining the design. No sign should ever have been put on the light post.

Did the sign committee come to HLC for OK of the signs and their placement? Did the DOT? Would a painted 15 minute parking place have been better than a giant yellow and black loading zone sign on a post?

Was there a better way to discourage parking in the road? If cars are really parking they are not parking in a parking place they are parking in the middle of a vehicle lane. Puesta del Sol has two parallel vehicle lanes that are one-way in the same direction

There seems to have been no thought to aesthetics or alternatives solutions to sign placement or use of these kinds of signs at all.

This is very “anti Historic Mission Canyon District “feel.

C. Mission Historical Park sign. The City Parks Department has to have all its personnel understand about the importance of spatial relationships in historic landmarks that are their jurisdiction (Mission Historical Park).

A new, gigantic, wooden “Mission Historical Park” sign was placed at a location where it is visually blocked by a historic wooden wayfinding street sign on the corner of Garden and E. Los Olivos St.

If the new wooden sign had been placed just 10 feet farther north this visual conflict would not have occurred.

Thank you for your consideration in making the Historic Resources Ordinance more comprehensive by including Historic Cultural Landscapes, Historic Roads, Spatial Relationships, regular education of how Historic Resources are to be protected **by** all City Departments including the City Council, having a way for the public and city department personnel to be whistleblowers if needed, and having a requirement to undo historically incompatible work not approved by HLC.

Sincerely,

Paulina Conn
2612 Foothill Rd.
Santa Barbara, CA 93105

805 682-5183



PAT SALEY & ASSOCIATES

*Land Use Planning / Meeting Facilitation
Community Outreach*

May 24, 2020

Historic Landmarks Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

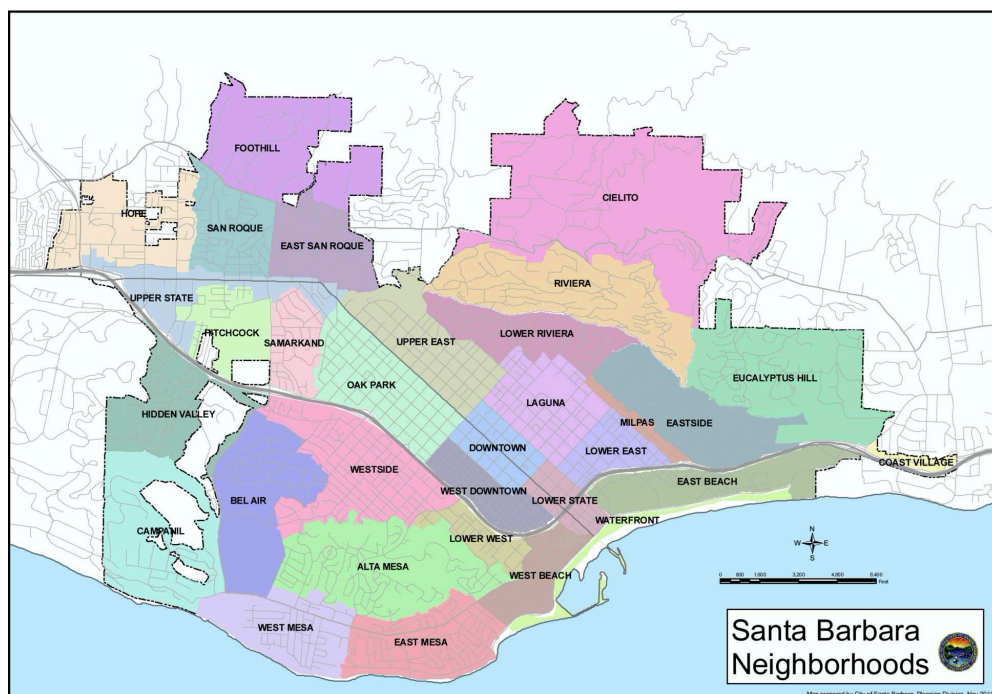
Re: Initial comments on Draft Historic Resources Ordinance for HLC meeting of May 27, 2020

Dear Chairman Grumbine and Commission:

As you know, many people in Santa Barbara have been anxiously awaiting the long-promised update to the Historic Resources Ordinance. I think the staff's approach to totally rewrite the ordinance makes sense and I applaud their efforts. I have some suggested revisions that, I believe, will improve and clarify the draft ordinance and help it better conform to the Historic Resources Element of the General Plan.

In reviewing the draft ordinance, I and others did some research of other cities in the United States that are known for preserving and celebrating their historic past. The attached table reflects this research which might be useful in making decisions about provisions of the HRO. My suggestions for revisions and additions to the ordinance are:

1. **Definitions of neighborhood and neighborhood combability** – The draft ordinance includes a very broad definition of “neighborhood” based on the 32 neighborhoods defined in the General Plan, some of which in your jurisdiction are quite large such as the “Laguna” neighborhood (Land Use Element, p. 32).



I have been involved in projects where the definition of neighborhood was very important to the required finding of neighborhood compatibility. Using neighborhoods such as those shown above would leave the door wide open to many different, and possibly incompatible, styles.

The Historic Resources Element (HRE) gives some guidance as to how the ordinance should define “neighborhood.”

- Neighborhood historic preservation goal – “Protect the significant contribution made by Santa Barbara’s neighborhood historic resources to the City’s charm and sense of historical context.”
- HR5, Protect Neighborhood Historic Resources – “Identify neighborhoods in the city that have substantially historical character, and pursue measures to maintain that character. Protect such neighborhoods, especially those in close proximity to the downtown and commercial cores, from development that might transform their historic character.” (emphasis added)
- HR5.1, Help Preserve Neighborhoods that have Retained Neighborhood Character – Adopt mechanisms, such as ordinance amendments, that secure protections for neighborhoods and streetscapes that have substantially maintained their character of the period of their initial development...”

My suggestion is that the ordinance define “neighborhood” as the immediate area, i.e., a one-block radius in all directions, including across the street from the project site. Some flexibility may be necessary given the particulars of the specific site and area under review. The particular project’s neighborhood should be determined during Concept Review, prior to Project Design Approval. Moreover, employing a Form-Based Code approach to zoning and design review would also help to ensure that neighborhood compatibility and preservation of historic resources and districts are respected as intended in the HRE.

2. **Buffers around historic resources and districts** – The HRE has many goals, policies and actions that relate to “Neighborhood Historic Preservation.” Three actions of particular relevance are:

- HR2.2 seeks to “consider impacts to historic resources comprehensively” and requires the evaluation of “the impacts of proposed development in proximity to historic resources.”
- HR2.5 states that the City should “Proportionately scale construction... adjacent to historic resources.”
- HR2.8 requires the employment of historic resource buffers and requires that “all parcels within 100 feet of a historic resource be identified and flagged for scrutiny for impacts on those resources...”

At a minimum, I suggest that these three actions be included in the findings required prior to approving a project anywhere near a historic resource. The 100 feet radius mentioned in HR2.8 should probably be expanded and should also apply to potential historic resources and districts. Finally, I recommend that the elevations and footprint plans of the block where the proposed project is adjacent to a historic resource be required as St. Augustine FL does (see table).

3. **Appeal hearings** – The attached table includes a summary of the appeal hearing processes for eleven historic cities in the United States. While the details vary, in each case the appeal hearing of a design review commission decision is a “de novo” hearing which the Oxford Dictionary defines as “starting from the beginning; anew.”

The Draft HRO, however, is very clear that an appeal hearing before the Council would not be “de novo.” Instead, only that information that was presented to the Commission would be part of the appeal heard by the Council¹. I have been involved in appeals as an appellant and as the staff person presenting the appeal to the Council. I understand that no one likes appeals and they are very time consuming and often contentious. While that may be true, that doesn’t mean we should adopt an ordinance that limits legitimate public input. I see several problems with the approach including:

- As a practical matter, the draft ordinance ignores two other sections of the SBMC that make it clear all appeals are “de novo” hearings:
 - §30.205.150, Appeals, outlines the “de novo” appeal hearing process so adopting this ordinance with the current draft appeal language would create an internal inconsistency.
 - That same section refers to SBMC §1.30.050, Appeals from Administrative Decisions, which also outlines the “de novo” appeal process. The proposed language conflicts with this overarching language that relates to all City appeals.
- The HLC process will likely be slowed down as interested parties would need to put many issues into the record, thus preserving their right of appeal (the “kitchen sink” approach).
- For those who support a project and do not testify at HLC, they would be precluded from participating in an appeal (if they disagreed with HLC’s decision or conditions, for example) as they would not have standing.

I suggest that the three references to appeal hearings (in footnote ‘1’ below) be deleted and a brief §30.157.150 be added that refers to §30.205.150 and §1.30.050, consistent with all City appeals.

Again, I applaud staff’s efforts to rewrite this important ordinance and hope these suggestions help to improve the draft ordinance and help it better conform to the Historic Resources Element of the General Plan. Thank you for the opportunity to comment.

Sincerely,



Pat Saley, AICP

Attachment – Summary of Historic Resource Ordinances in the US

cc:

Nicole Hernandez, Urban Historian
Sheila Lodge, Planning Commission Liaison
Greg Lusitana, Assistant City Attorney
Kristen Sneddon, City Council Liaison

¹ The draft ordinance’s table of contents shows a section devoted to appeals (§30.157.150), but there is no such section. Instead, appeals are interspersed in the ordinance, e.g., in sections addressing Landmarks (§30.157.040), Structures of Merit (§30.157.047) & Historic Districts (§30.157.088).

SUMMARY OF HISTORIC RESOURCE ORDINANCES IN US
May 24, 2020

Cities	Historic Districts			Impact of projects adj to historic resources	Arch Resources	Appeals – de novo or like courts
	Who can initiate	% of contributing properties	% of agreeing owners			
Carmel			Can't pursue if >50% of owners file objection (17.32.090.B)	Whole section titled "Projects that Adversely Impact Historic Resources" (17.32.170)	Purpose includes identification & protection of archaeological resources (17.32.010.C)	De novo (17.32.180)
Charleston, SC	Has National Historic Landmark District established in 1960.				While there's been interest in an arch ord for years, Charleston appar- ently doesn't have one.	De novo
Glendale		More than 60% of properties contributing; 25+% agree to survey (30.25.020)	50+% sign petition (Handbook)		Historic Preservation Comm oversees "archaeological sites that are important to the heritage of the city" (15.20.010)	Clearly says de novo (15.20.040)
Monterey	Have HD Overlay Zone (also H-1 Landmark & H- 2 HR overlay zones – Art. 15, 38-75 to -77)		Will not create district if 51% of owners file an objection (38- 77.C.5)			Historic Preservation Commission decisions appealable to PC (38- 205) which is appealable to Council. "Any interested party shall have the right of appeal" (38-207)
Nantucket	Whole town is a National Historic Landmark District overseen by Historic District Commission that reviews proposed demos, alterations, etc. One of 1 st communities to adopt a HD in 1955. (A301-4)				Historical Commission oversees arch as well as historic preservation	De novo hearing on appeal filed by "any aggrieved person" (A301.11)

Cities	Historic Districts			Impact of projects adj to historic resources	Arch Resources	Appeals – de novo or like courts
	Who can initiate	% of contributing properties	% of agreeing owners			
Pasadena		Min of 60% contributing (17.62.040.F)	Letter or petition signed by a majority of owners (17.32.090.B.2.a)		Historical Preservation Commission “protects, enhances and perpetuates” arch resources (2.75.025)	De novo; hear from “any interested party”
St. Augus- tine, FL	<p>Have Historic District-1, -2, and -3 zones. Historic Architectural Review Board (HARB) oversees development there, designation of Landmarks & Historic Districts, etc. (Division 3, Chapter 28)</p> <p>New district goes to HARB, then city coordinates with Sec. of Interior to have designated National Register Historic (or Landmark) District. (Arch Guidelines, p 18)</p> <p>22-block area downtown is a “National Landmark National Historic District”. (Arch Guidelines, p 19)</p>			<p>For new construction, submit a simple elevation depicting the streetscape on the subject block and the facing block to illustrate how the proposed project meets the scale of the surrounding context. (Arch Guidelines #8, p. 12)</p> <p>For new construction, submit a footprint plan of the subject block and the facing block to illustrate the existing building setback patterns and historic lot coverage patterns adjacent to the proposed project. (Arch Guidelines #9, p. 12)</p>	Have Archaeological Preservation Ord and 3 archaeological preservation zones. City Archaeologist appears to review proposals & decisions are appealable to “City Commission” (Chapter 6 of Muni Code)	Town Council hears appeals – de novo hearings
San Diego*	Anyone can propose but requires “substantial # or majority of owners” (District Policy 4). Have Historical Resources Board (111.0206). Designation of resources by HRB (123.0202)			Has process to evaluate project w/ historic res nearby (126.04 – Neigh Development Permit Procedures)	Historic Resources Regulations apply to “important archaeological sites” (§143.0210.A.7)	De novo

Cities	Historic Districts			Impact of projects adj to historic resources	Arch Resources	Appeals – de novo or like courts
	Who can initiate	% of contributing properties	% of agreeing owners			
San Gabriel		Min of 51% of structures & bldgs. are contributors (153.608.A.3)	Doesn't happen if 51% of owners file written objection (153.610)		Definitions of arch resource, native American resources & cultural resource	
Santa Fe, NM	Historic District Review Board designates & reviews alterations, demolition requests, etc. (14-2.6)				Archaeological Review Districts (14-5.3) and Archaeological Review Committee (14-3.13.C)	De novo. Council hears appeal of someone w/ standing. Once hearing scheduled, submit material supporting appeal no later than 10 days prior to hearing (14-3.17)
Tucson, AZ	M&CC or 51% of land area or 65% of owners (5.8.3)				Have arch sensitivity zones map; need permission to dig in these areas	De novo assuming have standing including received notice (5.8.8.7)

* – San Diego site very informative: <https://www.sandiego.gov/development-services/news-programs/historical-resources/regulations>

Sunday, May 24, 2020

Historic Landmarks Commission
630 Garden Street
Santa Barbara, CA 93101

Re: Historic Resources Ordinance Amendments (HROAs)

Dear Commissioners,

I have no formal training that qualifies me to speak on technical, architectural, or legal issues of ordinance amendments. I offer comments from the viewpoint of a 35-year resident on ordinances that affect the City's livability, business vitality, and pedestrian friendliness, as encouraged in the Historic Resources Element (HRE, HR6.3 Promote streets that accommodate pedestrians).

1. General Comments. The official ordinances of other historic American cities sometimes include a statement of applicability, such as this example from San Diego¹ (§143.0210.b): *"Where any portion of a premises contains historical resources, this division shall apply to the entire premises."*

- Our HROAs should include an item (possibly within §30.157.030 Jurisdiction) stating the broad scope of protections for historic resources included within non-historic properties.

2. Historic Districts (§30.157.080–089) are most important to the City's fabric, offering a cohesive ambience not conveyed by individual historic structures, alone. The HRE, part of Santa Barbara's General Plan (GP), emphasizes, *"The City relies on its scenery, physical beauty, historic character and design consistency to attract tourists and commerce. These are vital to its economy...."* They deserve special protections and processes for designation. The proposed HROAs struggle to name a threshold of contributing structures and owner consents. Other historic American cities¹ use a minimum 51%, which seems reasonable.

- The HROAs should set a minimum number, proportion, or percentage of contributing structures desirable in a Historic District, no less than half, or 51%.

3. Neighborhoods are the direct supply source of Historic Districts and deserve special attention within the HROAs. The current draft HROAs (§30.157.020.DD) define Neighborhood, but defer to the City General Plan's 32 neighborhoods, those are arbitrary geographic and occupancy descriptions without particular note of historical context. In fact, some current and proposed Historic Districts straddle more than one GP neighborhood.

- The HROAs should acknowledge the existence of possible unnamed neighborhoods (distinct from GP labeled neighborhoods) for their role as potential designated Historic Districts.
- The HROAs should address the risks to neighborhood design and appearance compatibilities, and require guidelines for their protection.

The HRE (HR5.1) suggests creation of *“ordinance amendments that secure protection for neighborhoods and streetscapes that have substantially maintained their character of the period of their initial development, as well as later periods of historical interest that reveal the historical evolution of the neighborhood or streetscape.”*

The important pedestrian streetscape of neighborhoods is neither defined nor used in the HROAs. Pedestrian-level streetscapes clarify the important continuity between and beyond individual structures. The current process to amend the HRO is the ideal and appropriate opportunity to codify recommendations from the HRE.

- The HROAs should address general protections for neighborhood compatibilities and integrities beyond the currently recognized or designated Historic Districts.

4. Cultural Landscape is neither defined nor addressed in the HROAs. It can be a broad term, but is frequently defined by other cities,² is easily found online, and has large organizations dedicated to its recognition and preservation, e.g., the Cultural Landscape Foundation (www.tclf.org). Our HRE (HR6 and HR7) includes streetscapes, public features, and pedestrian amenities among its

attributes. Cultural landscape is a vital consideration for historic structures, historic neighborhoods (designated, proposed, or future), and the general City. The term includes the walkability of neighborhoods and pedestrian sense of historic structures in a context of both immediate neighbors, nearby terrains, and distant background horizons.

- The HROAs should define “cultural landscape” in §30.157.020, drawing on the glossary of HRE Definitions including, but not limited to, “cultural landscape,” “streetscape,” and “viewscape.”
- The HROAs should incorporate the terms “cultural landscape,” “streetscape,” “viewscape,” and others throughout as appropriate to emphasize the important contribution of nonstructural near and far elements to the livability and attractiveness of City neighborhoods and districts.

5. Protective Buffers may be needed to maintain the integrity and continuity of historic resources in the face of acceptable, but incompatible nearby development. Standards in three other cities – Carmel CA (§17.32.170), St. Augustine FL (Architectural Guidelines #8 & 9), and San Diego CA (§126.04.04.h) – address protective buffers for historic resources. Our HRE (HR1.1, 2.6, and 2.8) addresses buffers, suggesting – among other measures – a requirement that, *“all parcels within 100 feet of a historic resource be identified and flagged for scrutiny for impacts on those resources, prior to ... approval of any development application.”* The HRE-suggested buffer is 250 feet around historic adobe structures and other City landmarks. The current HROAs are silent on buffers protecting historic resources from incompatible or intrusive development.

- The HROAs should include specific protective measures required of new development impacting historic resources including, but not limited to, building setbacks, solar impact on the historic resource, and size-bulk-scale compatibility with the historic resource.

The current HROAs infer the impact of Landmarks and Structures of Merit extending only to “abutting properties” in their official noticing requirements.

- The HROAs should extend the required official noticing for designating historic resources beyond the owners of “abutting properties.” Consider the aforementioned development standards suggested by the HRE to be the official City noticing standards.

6. Maintenance of Historic Structures is mentioned in the HROA sections dealing with exterior alterations, relocation and demolition. This is important, as the visual condition of each structure contributes to the historic sense of the streetscape and neighborhood. However, nowhere in the HROAs is the term, “demolition by neglect,” mentioned although the HRE (HR3.1) specifically addresses this: *“Prevent egregious neglect. Explore feasibility of an ordinance that protects historic resources from ‘demolition by neglect.’ Enable the City to take appropriate action in cases of historic properties or properties in proximity to historic properties being allowed to deteriorate.”*

- The HROAs should define and address “demolition by neglect” of historic resources, prohibiting it and defining remediation processes and penalties for noncompliance.

HR3.1 extends protection against “demolition by neglect” to the “properties in proximity to historic resources.” The St. Augustine Architectural Guidelines #8 acknowledges the importance of considering the visual impact of nearby structures on historic resources by requiring new construction plan applications to include an *“elevation depicting the streetscape on the subject block and the facing block to illustrate how the proposed project meets the scale of the surrounding context.”*

- The HROAs should prohibit egregious neglect of the appearance and structural integrity of properties in proximity to historic resources.

The proposed HROAs address acceptable alternative options to demolition only in the negative, i.e., allowing demolition to take place in the absence of feasible (to be determined by whom?) measures of adaptive reuse, rehabilitation, or restoration. In contrast, HR3.3 requires *“development proposals that request demolition of historic resources to present preservation alternatives,*

such as adaptive reuse, rehabilitation or relocation rather than demolition.”

- The HROAs should require development proposals that request demolition of historic resources to present preservation alternatives, such as adaptive reuse, rehabilitation, or relocation rather than demolition.

Santa Barbara considers itself to be a historic city, with designated historic districts, structures, and regulations. Now is the time to improve the definitions, procedures, and protections to maintain those important defining historic resources. Santa Barbara has been a past leader in many ways. Other historic American cities have met that challenge and gone beyond. Their advances, and our own Historic Resources Element provide guidance for amending and improving our Historic Resources Ordinance. The time is right.

Sincerely,



Richard G. Closson, Pharm.D.
3308 Calle Fresno
Santa Barbara, CA 93105

¹ We surveyed the online ordinances and other materials for Carmel CA, Charleston SC, Glendale CA, Nantucket MA, Pasadena CA, St. Augustine FL, San Diego CA, San Gabriel CA, Santa Fe NM, and Tucson AZ.

² Some version of cultural or historic landscape is present in the ordinances of Carmel CA (§17.32.230.N.1), Charleston SC (Zoning Appendix J.C), Glendale CA (§15.20.010.A), Pasadena CA (§17.80.020), St. Augustine FL (§28-292.2), San Diego CA (§143.0210.a.4), and San Gabriel CA (§153.605.A)

Public Comment #12



Fred L. Sweeney AIA
10 East Quinto Street
Santa Barbara, California 93105

May 24, 2020

City of Santa Barbara
Historic Landmarks Commission
Anthony Grumbine, Chair and Commissioners.
P.O. Box 1990
Santa Barbara, CA 93102-1990

Subject: Draft Historic Resources Ordinance April 30, 2020

Dear Mr. Grumbine and members,

I, like many others, are pleased that the City is updating the Historic Resources Ordinance as envisioned in the Historic Resources Element of the General Plan. I have two main concerns about the Draft Historic Resources Ordinance amendments: 1) the lack of a clear definition of “neighborhood compatibility” and 2) the use of buffers (or edge conditions) to protect historic structures and neighborhoods from proposed adjacent buildings. To further support those recommendations, I suggested items for the Historic Landmarks Design Guidelines.

Neighborhood Compatibility

The current city General Plan map identifies “neighborhoods” in large geographic designations. However, when discussing issues of neighborhood compatibility, I suggest the term “*identifiable neighborhood*” be considered. Further, I suggest the following when identifying attributes that contribute to the term identifiable neighborhood:

1. An *identifiable neighborhood* should be defined by a ten-minute walking distance (generally around 1,500ft or 150ft. per minute.), either as a diameter around a designated structure or the size of neighborhood regardless of the subject to be reviewed.
2. An *identifiable neighborhood* is generally bounded by a heavily traveled road(s) or street(s) (more than 2,000 vehicles/day) or by geographic features such as creeks, steep inclines, bluffs, or other barriers that would inhibit walking, bike, or vehicle connections.
3. An *identifiable neighborhood* may contain public parks or other large areas of public property that can either be a definition for a boundary or used to define the “center” of a neighborhood.
4. An *identifiable neighborhood* could be bounded by major commercially zoned property or other uses which do not provide services to that neighborhood.

The ordinance should at least specify boundary streets or public right of ways when defining a neighborhood. In turn the Historic Landmarks Commission should be required to specify a

neighborhood and its boundary before Project Design Approval is granted. The current HLC guideline citing the ten closet properties is not a sufficient to define a neighborhood.

Protective Buffers

When considering buffers or edge conditions the ordinance should provide language that addresses the potential impacts to adjoining properties or neighborhoods. The following are items for those considerations.

1. Require submissions of delineated" streetscapes" elevations, to scale, for new projects depicting the streetscape on the subject block and the facing block to illustrate how the proposed project meets the scale of the surrounding context. Drawings should accurately depict street trees and other contributing attributes of the block under consideration. Photo montages or other photographic presentations are not sufficient to place the project in context of the streetscape.
2. For new projects submission of a footprint plan on the subject block and the facing block(s) should be used to illustrate the existing building setbacks patterns and historic lot coverage patterns adjacent to the proposed project.
3. There should be at least 15 feet between non- historical and historical structures regardless of required setbacks on either property.
4. New construction of more than one story, should take into consideration solar exposure and access between historic and non-historic structures or sites. In Santa Barbara where our Mediterranean climate is defined by southern exposure, we should consider how shade vs. access to sun effects of siting of building massing. The current solar ordinance may be sited for this requirement.
5. New construction in historical districts should permit the use of covered arcades to extend over public sidewalk or other public right of ways, where appropriate.
6. Where roof top activity is allowed, such as gardens or decks, they should be at least 15 feet away from adjacent residential properties. They should be screened and not be visible from the ground level of any adjacent residential property.
7. In using FAR's, assure that as much as possible, the building footprint does not occupy more than 50% of the property
8. At corner properties which propose new buildings, provide for 10-foot setbacks from each street or public right of way when projects are within or adjacent to residential areas.

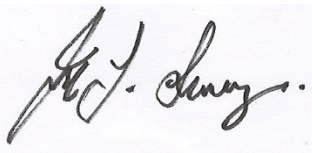
Suggested additions to the Historic Landmarks Design Guidelines

1. Any buffers or other easements for public use, such as walking trails, or other outdoor activities should be encouraged when new construction is adjacent to or abutting historic structures or districts, either proposed or on the inventory.
2. When addressing how the sun travels during the day, use of trellis, awnings, window or parapet eyebrows, roof overhangs, and other architectural devices should be encouraged in new construction.

3. New construction adjacent to neighborhoods or historic structures should arrange building massing to scale down the new building mass and footprint as it is placed adjacent to property lines or district boundaries.
4. Use of building footprints that provide rectangular courtyards located near property edges should be used to lower the buildings scale.

The work of this first draft of the new ordinance is very much appreciated and provides the strong bases for preserving and protecting the essence of our architectural heritage here in Santa Barbara. We would encourage the Historic Landmarks Commission to review suggested additions and changes to provide sufficient tools to assure the preservation of our historic architectural character. I look forward to the ongoing discussion and the resulting final draft considered by the Planning Commission and the City Council.

Respectfully
Submitted

A handwritten signature in black ink, appearing to read "Fred L. Sweeney", is written over a light blue rectangular background.

Fred L. Sweeney AIA

Copies: Nicole Hernandez, Urban Historian
Sheila Lodge, Planning Commission Liaison
Kristen Sneddon, City Council Liaison
Greg Lusitano, City Attorney's Office

Public Comment #13

From: [Dennis Doordan](#)
To: [Anthony Grumbine](#); [Steve Hausz](#); [Michael Drury](#); [Ed Lenvik](#); [Bill Mahan](#); [Robert Ooley](#); [Julio Veyna](#)
Cc: [Nicole Hernandez](#); glusitana@santabarbarca.gov; [Kristen Sneddon](#); [Shelia Lodge](#); [Community Development HLCSecretary](#)
Subject: Initial comments on Draft Historic Resources Ordinance for HLC meeting of May 27, 2020
Date: Monday, May 25, 2020 10:57:12 AM

EXTERNAL

May 25, 2020

Historic Landmarks Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

Re: Initial comments on Draft Historic Resources Ordinance for HLC meeting of May 27, 2020

Dear Chairman Grumbine and Commission:

With this letter I am submitting my comments regarding the Draft Historic Resources Ordinance. I am a resident of Santa Barbara. I am a retired professor of the History of Architecture and Urban Design; for 27 years I taught in the School of Architecture at the University of Notre Dame. I appreciate the effort that has been invested in the preparation of the draft released for public comment. The draft of an ordinance is a point of departure not a point of arrival and I encourage the Commission to consider revisions and amplifications of the proposed ordinance. In particular, I have the following suggestions.

- 1. Definitions of neighborhood and neighborhood:** The General Plan definition of neighborhoods reflects political and topographic factors, not block by block design factors. Provisions need to be made for defining neighborhoods at a more local scale involving the blocks immediately surrounding a proposed project.
- 2. Buffers around historic resources and districts:** This is a long-standing community concern with particular relevance now as the City considers various measures to increase height limits and increase density in the urban core. HR2.8 requires that “all parcels within 100 feet of a historic resource be identified and flagged for scrutiny for impacts on those resources...” This should be enlarged to at least 250 feet. In addition, specific provisions (for example, the submission of scaled street elevations of the blocks affected) should be included to address what is required to support the “scrutiny for impacts.” There are good precedents in support of this recommendation; cities that have articulated clearly defined steps to mandate acceptable treatments of buffer zones include Carmel, Ca; San Diego, CA; and St. Augustine, FL.
- 3. Appeal hearings** The Draft HRO specifies that an appeal hearing before the Council would not be *de novo* and only that information that was presented to the Commission would be part of the appeal heard by the Council. I believe this is inconsistent with sections of the SBMC that provide for a *de novo* appeal. In addition, the elimination of a *de novo* option limits the opportunities for public input. As messy,

time consuming and frankly contentious as appeals can be, appeals are also central to any democratic process in which affected parties can express their legitimate concerns to their elected representatives. Speed and efficiency are not the goal here; community input and transparency of process are.

Santa Barbara is known for its distinctive architectural and urban character. Santa Barbara possesses a rich architectural heritage featuring a variety of noteworthy and beautiful examples of different architectural styles. The streetscapes, paseos, plazas and parks of Santa Barbara have a human-scale that contribute to neighborhood identity and reinforce a sense of civic pride. Growth and change are inevitable in any city, but change need not destroy what is special about this city. The Historic Resources Ordinance is a crucial tool for protecting what is special about Santa Barbara while providing guidance for all parties in shaping the future of our city

Yours truly,
Dennis Doordan
242 Calle Esperanza
Santa Barbara, CA 93105

cc:
Nicole Hernandez, Urban Historian
Sheila Lodge, Planning Commission Liaison
Greg Lusitano, Assistant City Attorney
Kristin Sneddon, City Council Liaison

Dennis Doordan
Editor, Design Issues
Professor Emeritus
School of Architecture
University of Notre Dame

Public Comment #14

KATHLEEN M. WEINHEIMER

ATTORNEY AT LAW

420 ALAMEDA PADRE SERRA

SANTA BARBARA, CALIFORNIA 93103

TELEPHONE (805) 965-2777

EMAIL: kathleenweinheimer@cox.net

May 26, 2020

Chairman Grumbine and Members of the Commission
Historic Landmarks Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, California 93101

Re: Initial Comments on the Draft Historic Resources Ordinance

Dear Chairman Grumbine and Members of the Commission:

I am a member of the Board of Directors of the Santa Barbara Conservancy and many years ago served as the Assistant City Attorney assigned to the Community Development Department. In both capacities, and in my years since in private practice, I have worked closely with the City's various Boards and Commissions, as well as City staff on a variety of projects, General Plan amendments, ordinance revisions, and the like. I appreciate the effort that has been devoted to the revision of the Historic Resources Ordinance and the opportunity to comment on the draft.

There are several areas that I believe need further attention in the draft ordinance, many of which have been addressed by other members of the Santa Barbara Conservancy. The one issue I would like to raise, and the one I believe most important, is the need to revise the provisions governing appeals to make appeals from decisions of the HLC consistent with all other City appeals. As has been noted by other commenters, the "appeal" section listed in the table of contents, Section 30.157.150, doesn't exist in the document. Rather, the appeals provisions are scattered throughout the chapter, appearing in at least three different sections. While this is something easily corrected, the larger issue is the statement appearing in all three sections that an appeal from HLC to the City Council would be on the HLC record only, and not a de novo hearing as are all other Board and Commission appeals to the City Council (note particularly Santa Barbara Municipal Code Sections 30.205.150 and 1.30.050 regarding appeals from any aggrieved party, and consideration of any relevant information.)

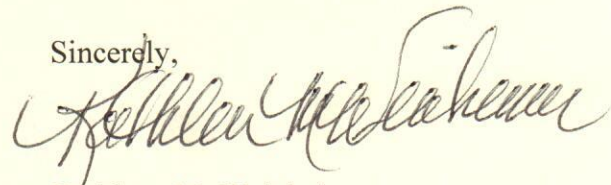
Apart from the inconsistency with the existing ordinance provisions, this attempt to limit both the access to and the information before the City Council is fundamentally unfair to the general public. Applicants have a distinct advantage when making a presentation before any determinative body, having the time, resources, and financial interest in the outcome. Neighbors and other interested persons may well be in a position to monitor agendas and appear at hearings, but rarely are prepared to present a comprehensive response from the outset, nor to organize

Chairman Grumbine and Members of the Commission
May 26, 2020
Page two

others affected by a proposal to attend the initial hearings. As a result, it may not be until a decision is reached that the neighborhood becomes aware of the impact of the decision, or the changes that have occurred in the project since the initial review which affect the neighborhood's position on the application. While it can be argued that it is the responsibility of the neighborhood to monitor and participate throughout, in practical terms this simply doesn't happen. Those most impacted by a decision should not be precluded from addressing their concerns to their elected officials, nor should those elected officials be limited to the record before them in reaching a decision on an appeal.

I urge you to recommend the elimination of this variation of the appeal process and to align HLC appeals with those of all other City appeals not only for consistency, but more importantly to insure fairness and equal access to our elected officials by all citizens of Santa Barbara. Thank you for the opportunity to comment on these important revisions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kathleen M. Weinheimer', written in dark ink.

Kathleen M. Weinheimer

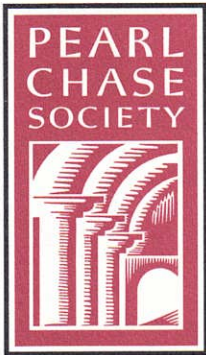
cc: Nicole Hernandez, Urban Historian
Sheila Lodge, Planning Commission Liaison
Greg Lusitana, Assistant City Attorney
Kristen Sneddon, City Council Liaison

Public Comment #15

May 23, 2020

Historic Landmarks Commission
City Of Santa Barbara

Re: Historic Resources Ordinance (HRO)



Preserving Santa Barbara's
Historic Sites of Enduring
Community Value

P.O. BOX 92121
SANTA BARBARA
CA 93190-2121

Dear Commissioners:

The Pearl Chase Society's (PCS) mission is to preserve and improve the historic environments of the City of Santa Barbara. We are pleased that the City is updating the Historic Resources Ordinance as required by the Historic Resources Element of the General Plan. PCS urges the city of Santa Barbara to modify their newly proposed ordinance pertaining to the formation of Historic Districts.

As proposed, the creation of a Historic District is based upon quantitative data. That is, a certain percentage of both contributing historic structures and the consent of their collective owners, will be used to assist in the determination of a Historic District.

As drafted, the ordinance provides for a fixed percentage that would be applied in order to 1) Qualify the Historic District by tallying the number of contributing historic structures and elements, and 2) Qualify the district formation by taking a poll of all of the area's property owners that support or not support the creation of the Historic District. If there is a majority (say 51% of owners) then said district's application is able to move forward in the process.

Instead of that approach, we strongly suggest that qualitative rather than quantitative criteria be used to determine Historic District eligibility. For instance, rather than a pre-determined "percentage" substitute the term "substantial," which would allow more flexibility in the decision. A "substantial" number of owners is the finding that the city of San Diego uses in its historic resources element and we advocate for the same approach ("substantial number of owners") for Santa Barbara.

Many hypotheticals can be imagined, where the decision rests upon the opinions of the properties' owners, either be they

occupants or absentee, which could make such unfair.

San Diego's percentage of historic structures required to make eligibility is 51%. It is again potentially problematic due to physical and/or socio-economic circumstances. We would suggest a range of 51% to 60% of structures that would be required for eligibility.

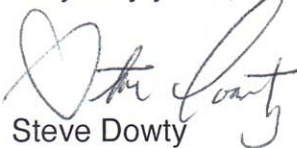
There is also a question of rating the structures in a proposed Historic District. They could either be landmarks: be it city, county, state or federal; or they can be structures of merit or on the "potentials" list. Will there be a "weighted average" involving these designations and circumstances? Because there are many subjective judgments involved we would highly recommend that additional, perhaps outside, expertise be used to decide such matters.

Also, there is a matter of districts that are already in the process; such as the Lower Riviera Special Design District, also known as the proposed Bungalow Historic District, whose guidelines received the approval of the ordinance committee in December, 2006. <https://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=35953> . We do not see where the in-process districts are accommodated in the newly proposed ordinance.

We would also appreciate the inclusion of "historic landscapes" and "cultural landscapes" into the language of the HRO.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Steve Dowty".

Steve Dowty
President
Pearl Chase Society

Public Comment #16

From: ed.lenvikarchitect.com
To: [Nicole Hernandez](#)
Subject: Draft Historic Resources Ord - comments
Date: Monday, May 25, 2020 2:36:32 PM

EXTERNAL

The following are comments as I have read through the draft this last week. I'm sure I will find more but thought I would get these out to you in the meantime. I have not commented on the Historic District stuff as I see a lot of comments from the public on that item. Feel free to distribute to HLC members if relevant.

30.157.020 - D1 and D2; Alteration Definitions

In "Major Alterations" I'm not sure that an area limit is necessary (500 square feet). The changes or addition of any size should make it a Major Alteration no matter the size.

30.157.020 - S; Facade

I believe that any portion of the building visible from the public right-of-way should be considered a reviewable facade as well. i.e. sides.

30.157.020 - X; Historic Resources Inventory

The listing is "potentially" historically significant as in the current ord. Until the HLC votes to make it a SOM it should not have any designation which implies it as being historically significant.

I believe that the list should continue to be identified as "Potential Historic List".\

30.157.020 -HH; Sandstone Construction

Remove the requirement that the sandstone be quarried from Mission Canyon and that the walls be of traditional ashlar pattern. There are other than ashlar laid-up walls in SB.

30.157.030 - A6

In the last sentence the "...or the City's Architectural Historian..." is redundant.

30.157.030 - B, C & D

The words "...on a parcel or lot..." are unnecessary I believe and can be removed.

30.157.036-A1

You use the term "Significance Report" and also "Designation Report". I don't see the "Designation Report" in the Definitions. Is it the same as "Historic Resource Significance Report?"

30.157.045 - A1

Designation Report" not in Definitions.

30.157.060 -A

To be in the inclusion in the Listing it needs to be found "potentially" historically significant.

30.157.088 Historic District Relocation

A question for everyone to discuss....should a relocation be only allowed within the Historic District?

30.157.098 Is this still an active area such that it is included in the revised ordinance?

Ed Lenvik



Santa Barbara Trust for Historic Preservation

Public Comment #17

To preserve, restore, reconstruct and interpret historic sites in Santa Barbara County

Historic Landmarks Commission
City of Santa Barbara
630 Garden Street
Santa Barbara, CA 93101

May 24, 2020

Re: Initial comments on Draft Historic Resources Ordinance for HLC meeting of May 27, 2020

Dear Chairman Grumbine and Commission:

Since the release of the Draft Historic Resources Ordinance I have heard from numerous members of the preservation community expressing their concerns over the paucity of references to archaeological resources in the current draft. Other comments suggested there was no mention of Cultural Landscapes. While the current draft contains a definition of the adjective "archaeological," it does not provide a definition of archaeological sites. The term site is mentioned dozens of times throughout the document but is a bit ambiguous as there is no definition of what a "site" is.

I applaud the effort in this draft at organizing the content of the ordinance. After carefully reviewing the current draft, I believe the document would be much stronger if there were definitions added for the terms archaeological site, cultural landscape, and sites. If it is made clear in the definition of "site" that the term includes archaeological sites, then I think archaeological resources are adequately addressed in the ordinance.

Sincerely,

Michael H. Imwalle
Associate Executive Director of Cultural Resources
Santa Barbara Trust for Historic Preservation